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New Republic

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By TELFORD TAYLOR

THE PEOPLE vs. THE RULES COMMITTEE

AN EDITORIAL

THE FOUNDATION RACKET

By A. G. MEZERIK

DISCRIMINATION IN YOUR STATE

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Additional thousands were struck off at the same time to be sold at a special bulk rate of 10¢ a copy in bundle orders of 10 or more to other labor organizations, schools, political action and study groups. These are now available for immediate shipment.

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New Republic

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WASHINGTON WIRE

LET'S BE BRUTAL about it: taxes should be higher. At near-peak prosperity this country has no moral right to a $5 billion deficit. How could the budget be balanced? Costs aren't coming down much on foreign aid and defense because we aren't going isolationist again. Slashes in welfare-state expenditures aren't going through because the Have-Nots are too powerful to submit to so-called "economies" by the Haves. We aren't going to squeeze much out of the pork-barrel bills because our form of government is too loose and inefficient to control such matters. So—it comes down to higher taxes or more deficits. Of the two we think deficits are more dangerous in the long run. The "Haves" got an unjustified $6 billion tax cut from the GOP 80th Congress. Now Truman proposes to restore a bit of this while relaxing some excise taxes. We hope he gets it.

Here's all we know about the hydrogen bomb: The theory is no secret; the only question is what happens when the damn thing goes off. You need a solar temperature of 20 million degrees to start exploding hydrogen into helium and the present atomic bomb generates that heat at flash point. The Russians know how: pages 130-134 of a paper-bound book by Hans Thirring published in Vienna in 1946, *History of the Atomic Bomb*, tells how; the publishing house is run by Ernst Fischer, dominant Austrian Communist. There's a long technical step between theory and practice, but there's no real secret.

Now for politics. Every motive of self-preservation points to seeking accommodation with Russia before making the H-bomb, and Lilienthal is represented as urging one more try. The effort probably won't be made; reason: there's no glimmer of agreement between the two countries. The final decision rests with Truman. Oh, we forgot—the cost of the H-bomb. This is controversial, but it probably won't be anything like the $2-$4 billion some folks estimated. This new little gadget may actually be quite cheap, say half a billion or so. It will be nice to have known that as the world pops off.

When a Congressman is pressured by selfish local groups he has to have some defense stronger than himself or abjectly yield. Few Representatives are strong enough to buck powerful home pressure. This is a basic and central point in our form of government we ought to remember. The shield and buckler of the individual Representative ought to be his party. He should be able to shift responsibility there. "I can't vote for the bonus, much as I want to, boys," he should be able to say, "because my party won't let me." But party discipline and party control are about the weakest part of our governmental system. That's why autocratic powers have traditionally been delegated to the House Rules Committee. The Representative says: "I'd love to get your bill out for you, Sam, but the Rules Committee won't let me."

Lacking responsible party discipline, the gangland Rules Committee fills its place under a system of delegated irresponsibility. It's the same rule always: where responsible law and order fail, businessmen pay extortion. Every so often there is a House revolt against the despotic Rules Committee. We are glad to say that the committee's opponents are on top right now. Truman won a big victory on the issue, in the 236-183 House vote, last week. But we say again, this is a manifestation of symptoms, not cause. If strong party responsibility isn't developed, then, sooner or later, the average Representative must seek support from some agency like the Rules Committee.

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Everything should be done to build up party discipline; that's the only way to know where responsibility rests.

Minority Leader Joe Martin (R, Mass.) is one of the nicest men in Washington, and about the heaviest single ball-and-chain the GOP has. His approach to world issues is that of a State House politician and—let's be frank about it—he is politically stupid, too. It was Martin's leadership that precipitated the majestic folly of GOP opposition to aid for Korea last week; now the unfortunate Senate GOP must extricate themselves from Martin's madness. It is Martin who is trying to tie Republicans up with the Rankin-Cox Dixiecrats on the civil-rights fight: a course that means simple suicide to Republicans from Northern industrial areas.

Notes. If there's a buzz or a bad telephone connection in Washington these days, the gag is, "The FBI is listening"; you are supposed to laugh, but it isn't very funny. . . . Biggest political and economic farm factor: farmers took a $2 billion pay cut in past two years, will take a new one in 1950 and before long will be under the break-even point. . . . We think that the Brannan Plan is gaining strength. . . . It's funny politics in the Ohio Senatorial race: both Taft and Joe Ferguson, his likely Democratic opponent, are dueling for the "under-dog" role. Taft had it when he charged labor "persecution"; now Ferguson seeks it as a simple-hearted local boy battling a mental giant. . . . We like the Dry slogan: "Get the kids off the street—here comes the Man of Distinction!" . . . Henry Wallace's 1944 diagnosis of Chiang for FDR hit it right on the nose. . . . Senators Douglas and Long stopped the basing-point bill, with its attack on anti-monopoly legislation, on the one-yard line. . . . Our worst fears of the new Supreme Court came true in the 4-to-3 Ellen Knauff case; citizenship of a naturalized wife is revoked and she is deported on secret evidence not even given the Court.

Washington T. R. B.

CORRESPONDENCE

State of the Union

SIR: "The State of the Union" (the *NR*, January 16) is one of the boldest and best practical documents I have seen in many a year. Congratulations.

Cincinnati, Ohio NICHOLAS KLEIN

SIR: The current issue of the *New Republic* is worth the whole year's subscription.

Washington, D. C. LENA B. MATHES

SIR: Congratulations on your "State of the Union." American public opinion needs not only the daily press reports on the situation, but interpretation and analysis. The *New Republic* has presented its analysis and its point of view, and brilliantly. Without undertaking to agree with all its conclusions, I cordially salute a very constructive piece of journalism.

New York City A. A. BERLE JR.

SIR: Your "State of the Union" is a fine antidote for our daily intake of "it can't be done" poison and this should be useful to a great many people.

CHARLES F. BRANNAN, Secretary, Department of Agriculture

Washington, D. C.

California Real Estate

SIR: "High Stakes in California," in your December 26, 1949, issue is an interesting and thoughtful attempt to evaluate the politics of my state. With "William Harding's" political analysis I have no disposition to quarrel. But when the author refers to the Bank of America as one of the "farmers" who own "huge tracts" of the great Central Valley, I must insist that he lacks information. In the 500-mile-long Central Valley of California—an area containing in excess of two million tillable acres—Bank of America today owns:

1/6 interest in 640 acres in Kings County;
5/16 interest in 40 acres in Kern County;
1/2 interest in 100 acres in Kern County.

During the farm depression in the Central Valley in the twenties and thirties, Bank of America acquired considerable acreage through foreclosure. This was sold to Capital Company, which in turn resold it over a period of years in individual parcels to farmers. Today it owns only the following farm acreage in the Central Valley:

2 parcels of 570 acres near Stockton, largely planted to asparagus;
1 parcel of 80 acres near Marysville, partially planted to hops;
1 parcel of 20 acres, potentially residential property, adjacent to the town of Yuba City;
10 acres in Kings County—regarded as valueless;
40 acres in Kern County—regarded as valueless;
5 acres in Tehama County—regarded as valueless;
15 acres in Toulumne County—regarded as valueless.

It should be understood that banks are prohibited by law from purchasing real estate (other than that needed for bank premises) and must within a limited period dispose of all real estate acquired to satisfy an unpaid debt.

WALTER E. BRUNS, Vice-President, Bank of America

San Francisco, Calif.

[The error in our article was not the fault of the author, but arose through a misunderstanding in the *New Republic* office on the part of the individual preparing the article for the press. Our apologies to the Bank of America and to "William Harding." – THE EDITORS]

Aid for China

SIR: A friendship Cargo for China, for which we hope to collect $25,000 worth of urgently needed medical equipment and drugs, is scheduled to leave February 12, Lincoln's Birthday. It is sponsored by China Welfare Appeal, Inc. Distributor at the point of destination will be the China Welfare Fund, which has functioned under the chairmanship of Mme. Sun Yat-sen for the past eleven years.

A preliminary shipment of the cargo was dispatched last fall through the efforts of China Welfare Appeal's Los Angeles committee. . . . A cable from Mme. Sun Yat-sen, acknowledging the initial cargo, read: "Many thanks for this extremely valuable gift from the American people. Sincerely hope succeeding shipments of Friendship Cargo will continue to aid . . . in the struggle to lift medical standards."

Persons wishing to participate in the resumption of medical assistance to China on a basis of people-to-people friendship can do so by sending contributions, large or small, to Dr. Gerald I. Shapiro, Honorary Treasurer, China Welfare Appeal, Inc., 439 Fourth Avenue, New York 16. Reports on the arrival and allocation of supplies will be sent to contributors as soon as available.

LEO M. DAVIDOFF, M.D., O. JOHN ROGGE, JOHN T. MCMANUS

New York City

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VOLUME 122, NUMBER 5, ISSUE 1835, NEW YORK CITY, JANUARY 30, 1950 **New Republic**

THE RULES COMMITTEE vs. THE PEOPLE

THE FIRST TEST VOTE in the new session of Congress indicates that the basic problem for the Democrats remains unchanged. More than two-thirds of the Southern Democrats in the House voted with the backward leaders of the Republicans to restore bottleneck powers to the Rules Committee which would have meant the end of Administration hopes for passage of any important Fair Deal legislation this year. It was the realism of big-city Republicans, not the strength of Truman Democrats, which produced a 236-183 "victory" for the Administration on the rules issue.

Liberals thought the question of Rules Committee powers was settled a year ago when, after the Democratic sweep of 1948, a new 21-day procedure was voted which allowed standing-committee chairmen to bypass the Rules Committee. They forgot that the Rules Committee contains a group of stubborn and tireless diehards who know all the parliamentary tricks. Eugene Cox (D, Ga.), John Rankin (D, Miss.), Howard Smith (D, Va.) and, on the Republican side, Clarence Brown (Ohio), Leo Allen (Ill.) and Charles Halleck (Ind.) have no peers when it comes to tenacity and knowledge of what the Congressional laws allow.

Last March, while progressives were still celebrating the 21-day rule, Cox quietly introduced a new bill to undo this modest reform. And since the Democrats had not the courage either to change the antiquated seniority system or to discipline party bolters like Cox and Rankin, who went over to the Dixiecrats in 1948, these political traitors remained free to plan further warfare on the Truman program. As soon as the new session convened, the Republican leadership, desperate to prevent any further Fair Deal accomplishment before the 1950 election, encouraged Cox to bring out his resolution to revoke the new ruling. Because FEPC was scheduled for an early vote in the House, Cox and his Republican friends reasoned that it should be easy to win Southern votes for a proposal which presumably would keep FEPC permanently pigeonholed. With solid GOP support for the Cox measure, passage should be assured. The White House, taken by surprise, thought fast and produced an effective strategy of its own. If FEPC could be used to drive Southern Democrats away from their own party, it could also be used to drive Northern Republicans, with large minority constituents, over to the Democrats. To the dismay of Joe Martin and Cox, that was how it turned out.

For once, the leaders of both parties agreed on what was involved in a crucial vote. Speaker Sam Rayburn and Minority Leader Joe Martin addressed the packed and attentive session which met to reconsider its rules. Each told his colleagues that the Truman program was the question. "Do you want Socialism?" Martin shouted. "Who won the election?" Rayburn wanted to know. Both denied that FEPC had anything to do with the matter at hand. Yet that was the basis on which the vote was decided. When the tally was in, Martin had lost 64 of his flock to the Democratic proposal to keep the rules as they are and permit all matters to come up for vote. Rayburn had lost 83 of the 117 Southern Democrats to Martin's campaign for restoration of dictatorial power to the 12-man Rules Committee. On the original vote to reform the rules, at the beginning of the 81st Congress, only 35 Southerners had left the Administration and only 49 Republicans had voted against their party's wishes.

Before this most recent vote, the National Association for the Advancement of Colored People and some labor unions pointed out that a "vote for repeal will be interpreted as a vote against civil-rights legislation." Republican delegations from Pennsylvania, New Jersey, Illinois and California took the hint; in Pennsylvania alone, six Republicans who had opposed the reform rule last year saw fit to vote for its retention.

Even under the pleading of Rayburn, only 34 Republicans were willing to take what they considered a political risk for the sake of supporting the national party at a critical moment. Many of the Southerners who repudiated the national policy in this test will return to vote with the regular Democrats on individual issues in the remainder of this session. But the true measure of their party reliability has been taken.

The future course of the national party with regard to them should be equally clear. There is nothing to be gained, for the Truman program or for the furtherance of the Democratic Party, by continuing to deal with these nominal Democrats in anything but the hardest

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and coldest fashion. President Truman's conduct toward the Dixiecrats has been properly firm. But the Democratic National Committee and Democratic Congressional leaders this past year have continued to deal with the rebellious Southerners as full partners. National Committeemen of the four states which gave their electoral votes to the Thurmond-Wright ticket in 1948 have been duly expelled from the Democratic National Committee. But in large part, Dixiecrats and their fellow travelers in the South have been allowed to keep their party positions and retain the party patronage in their states. President Truman's icy attitude toward the Dixiecrat candidacy of James F. Byrnes has greatly aided the loyal Truman Democratic forces in South Carolina; the Democratic National Committee has not yet decided to back up the President by severing relations with those who followed Thurmond.

Two out of every three Southern Democrats in the House have made it clear that they are going to take everything they can get from the party and give nothing in return. The only way to change this situation is through a long-run policy of opposing these men by others with different ideas. Truman could have won the last election without the South. Most likely the Democrats will have to win the next one without it, as well. As in the case of the rules fight, the Administration must continue to win its battles in this session of Congress without the South. It is nonsense to think that extensive Southern support for a program not strongly favored by the Southern voters themselves can be won by appeasement. If the occasion arises, Southerners will vote in this Congress, as they have in the past, for more housing, REA, and farm-price supports, because they do not dare do otherwise. The Administration will not lose their votes on these issues by standing firmly by its principles. It will never build a reliable wing of the Fair Deal party in the South by doing anything else.

THE WEEK

INJUNCTIONS AND COAL

The action of Robert N. Denham, National Labor Relations Board counsel, in seeking an injunction against the United Mineworkers and John L. Lewis on the ground that they are refusing to "bargain in good faith" cannot possibly serve any useful purpose. If a court should judge the three-day week an unfair tactic and enjoin the UMW from employing it until an NLRB investigation of uncertain length could be conducted, there still would be nothing to prevent Lewis from calling a general strike on economic grounds. Lewis spokesmen have made plain that the miners' chief will risk another million-dollar fine if he thinks that disregarding a court order is the only way to force the signing of a new contract.

The present issue in coal is a simple one of collective bargaining. The miners have no contract. The operators have made Lewis no real offer beyond saying that they are willing to renew last year's agreement. The Northern operators are now joining the Southern operators in cutting off all payments into the UMW welfare fund as a form of pressure on the union. Willis Robertson (D, W.Va.) and other anti-union Senators keep up a steady fire of speeches against Lewis which have the effect of further obscuring the basic issue and misleading public opinion.

The important questions are: Will this union survive? Can Lewis hold the gains the union has made in the past and establish the miners' welfare fund on a sound actuarial basis? President Truman, who has refused to be pushed into using the Taft-Hartley Act short of a national emergency, should move to restore the balance of public opinion, now heavily anti-Lewis, by calling on both parties to return to collective bargaining. If not that, the President should create a special fact-finding board, as in steel, to recommend a solution.

Unfortunately, the term of Robert Denham as counsel to the National Labor Relations Board has two more years to run. Denham has proved beyond question that he is unfit for this job. He is a man of vindictive spirit, not only against labor, but, it now appears, against all who disagree with him. In a recent speech to an employers' association in New York he urged employers to disregard the findings of the NLRB and appeal all rulings against them to the courts. Now that the board contains a majority that does not share his prejudice against labor, Denham is vindictive toward it, too. He has already lost the confidence of the President and of the board he is supposed to serve, and by the time his term ends he should have discredited himself in the eyes of the public generally.

LESSON IN JOURNALISM

PORTLAND (NR correspondent)

The Portland *Oregonian* recently published in all its editions an account of the ruling of an NLRB trial examiner on a case brought by the AFL Retail Clerks against Meier & Frank, one of Portland's oldest and largest department stores. The ruling found Meier & Frank guilty of "interfering with, restricting, and coercing its employees in the exercise of their rights guaranteed in Section 7 of the Taft-

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Hartley Act," and therefore guilty of unfair labor practices. It held that the management of the store, acting through Store Superintendent Swanson (a former FBI agent), Building Supervisor Sam Cooper, store detectives and certain supervisory employees, intimidated and coerced its workers, violated their right of privacy and prevented them from joining or establishing a union of their own choice.

The *Oregonian* gave a complete account of this decision—the first time official notice had been taken of the store's anti-union practices. (The original NLRB hearing in Portland received no publicity in any local newspaper.) The *Journal,* an afternoon paper, cautiously played down a condensed story of the dispute, and omitted it entirely from the downtown editions. Promptly, Meier & Frank canceled all its future advertising in the *Oregonian* except a token half-page, retaining full advertising in the *Journal.* When the *Oregonian's* general manager called Aaron Frank, store president, and asked him for the reason, Frank snapped, "If you don't know why, you should." The newspaper has accepted the challenge and, in a front-page announcement last week, reported the controversy and declared simply: "As a matter of traditional policy, the *Oregonian* strives to report the news completely, impartially, and without fear or favor. The *Oregonian* will continue to do so."

THE HISS VERDICT

Alger Hiss has been found guilty of perjury after two trials, the first jury having failed to agree, and the extreme Right of the Republican Party is jubilant. The political element personified by Representative Richard M. Nixon (Calif.) scarcely waited for the courtroom to clear before capitalizing on the verdict. Hiss as an individual was promptly forgotten and the judicial implications of conviction on the testimony of a confessed liar were obscured.

"GOP TO PRESS HISS CASE AS ELECTION ISSUE." Thus the New York *World-Telegram and Sun* headlined its Monday story of how Nixon intends to "show that this conspiracy would have come to light long since had there not been a definite . . . effort on the part of certain high officials in two Administrations to keep the public from knowing the facts."

Meanwhile counsel for Hiss prepared his appeal. Nixon did not indicate that a reversal would change his plans.

POINT FOUR COMPROMISE

State Department and White House officials have been working on legislation to carry forward President Truman's "Point Four" idea since this time last year. They now feel satisfied with a bill, covering the technical-assistance aspect of aid to underdeveloped areas, for which there is general support in both parties.

Last year, Representative John Kee (D, W. Va.), chairman of the Foreign Affairs Committee, and Representative Christian Herter (R, Mass.) introduced opposing measures containing very different versions of Point Four. The Kee-Administration proposal was for a program to be operated by the US bilaterally and also by the UN, providing for a wide variety of technical coöperation projects, using both federal specialists and experts from private enterprise. The Herter bill, drafted with the help of business interests in foreign trade, subordinated technical aid to a plan for capital development through private finance and restricted government loans and assistance to countries that signed formal agreements making broad guarantees to individual American investors. It left the UN almost completely out of the picture, and limited even the US Government to minor activities.

In order to avoid a protracted floor fight, along strict party lines, the Administration sought a compromise with Herter and his backers. For weeks, Assistant Secretary of State Willard Thorp and his staff carried on negotiations with Herter and three representatives of business—Charles Carroll, General Motors Overseas; August Maffry, Irving Trust; and H. W. Balgooyen, Electric Bond and Share—trying to work out a new bill on which they could agree. Last week Thorp unveiled the result to the House Foreign Affairs Committee. Representative Herter announced that he was withdrawing his bill and supporting the new version.

The new Point Four assistance bill is an acceptable beginning, but nothing more. Those members of Congress who would work for the kind of world development program President Truman originally held out as a goal must strive to amend this basic proposal when it reaches the floor so that:

In so far as possible, advice and services to the underdeveloped nations go through UN agencies, and the strong emphasis on bilateralism is removed. And government is given at least equal responsibility with private capital for developing the required projects.

With such considerable Republican agreement to the compromise bill, "Point Four" is scheduled for early consideration on the floor. It is essential that the separate measure "guaranteeing" private loans by American business in the areas selected for development be acted on jointly with the technical-assistance bill.

SMATHERS BLATHERS

Representative George Smathers (D, Fla.), young Marine veteran elected to his first term in 1948 on a liberal platform with the backing of Senator Claude Pepper, has announced his intention of opposing Pepper in Florida's May primary election for the Senate. Smathers' voting record became so conservative last year that the progressive forces which backed him in 1948 are not certain to support him even for reëlection to the House in 1950. The speech in which he declared his candidacy against Pepper removes any lingering doubt that he has turned reactionary. In it he brazenly declares that he will attempt to

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unseat Pepper by labeling him a Red and a "nigger-lover" and calling the Truman Administration a potential "Jail State."

"The leader of the radicals and extremists is now on trial in Florida," Smathers announced:

> Arrayed against him will be loyal Americans who believe in free enterprise, who want to preserve their right to think, to work and to worship as they please. Standing against us will be certain Northern labor bosses, all the Communists, all the Socialists, all the radicals and the fellow travelers. . . . These enemies of the American way of life are pouring hundreds of thousands of dollars into this, their supreme effort. . . .
>
> Surely we will not turn from the noble principles of Jefferson and Jackson to the careermen of Communism. . . . Florida will not allow herself to become entangled in the spiraling spider web of the Red network. The people of our state will no longer tolerate advocates of treason. . . . The outcome . . . can truly determine whether our homes will be destroyed; whether our children will be torn from their mothers, trained as conspirators and turned against their parents, their home and their church. . . .
>
> I stand for election on the principle of the Free State against the Jail State.

Smathers later sent word to the Florida Peace Officers Association that he would gladly defend, free of charge, any policeman indicted for violation of civil-rights laws.

EQUAL EDUCATION

A group of 188 professors from 41 law schools has filed a brief with the Supreme Court challenging the constitutionality of segregated legal education in Texas. The action was in support of Heman M. Sweatt, a Negro, who has been denied admission to the University of Texas Law School solely because of his race. Following a lower-court decision in the case, Texas established a special law school for Negroes. By maintaining different law schools for Negro and white students, the professors charge, Texas is depriving Negroes of "equal opportunity for education," in violation of the Fourteenth Amendment. The Supreme Court has agreed to review the Sweatt case in March.

The 50-page brief presents historical material showing that in its origin the equal-protection clause of the Fourteenth Amendment "was thoroughly understood to mean identical, and not separate, rights." Referring to the Sweatt case, the brief asserts that the Negro law school is completely unequal to the white school, having fewer teachers, fewer courses, a much smaller library, and none of the other assets of a modern law school. But above all, the professors say, it is important that the lawyer receive his training in the group with which he is to live and to practise:

> If legal education is something alive and vital, if the measure is not cubic feet of air space but the intellectual atmosphere within the walls, if law teachers are appraised as individual men of varying degrees of talent, if education is in large part association, if research and practice are part of the job of legal training, if segregation in law school warps and corrupts the mind and personality of man—if any of these things is true, then certainly this Texas Negro institution is a mockery of legal education and of the equal protection of the laws.

Preparation of the brief was delegated to Dean Erwin Griswold of Harvard and Dean Harold Havighurst of Northwestern and Professors Thomas Emerson and John Frank of Yale, Alexander Frey of Pennsylvania, Robert Hale of Columbia and Edward Levi of Chicago. (Emerson points out that this is probably the first time that a large number of law professors have intervened in any Supreme Court case.)

The educators declare that "segregated legal education, in common with every form of segregation, perverts and distorts the healthy development of human personality. . . . When a law student is forced to study and talk the shop talk of justice and equity with a segregated handful, he is circumscribed in the effort to achieve any real understanding of justice or equity."

The brief concluded with this poignant observation: The account by General Bedell Smith of his experiences as Ambassador to Russia, as reprinted in the New York *Times*, dealt at some length with the publication *Amerika*, which our country distributes in Russia. In the *Times* General Smith reprinted two pictures from *Amerika* as samples of our message to Moscow. One of those pictures was of an unsegregated schoolroom. "Is this really our mesage to the world, or must we send a postscript that there is a special exception for young men studying the Constitution of the United States in the State of Texas?" the professors asked.

THE TRUTH ABOUT DECONTROL

A survey by the Bureau of Labor Statistics shows that rents have soared in six large cities which ended rent control under the local-option provisions of the 1949 Housing and Rent Act. Soon after controls were lifted, rents shot up from 16.2 to 41.3 percent in Dallas and Houston, Texas; Jacksonville, Florida; Topeka, Kansas; Salt Lake City, and Knoxville, Tennessee.

In Dallas, the first large city to decontrol itself, tenants were handed a 35.4-percent increase when decontrol went into effect last year. The BLS survey shows that of the rental units in Dallas free to rise, 67 percent have been hiked an average of $13.66 a month. One month after Houston lifted controls, rents went up an average of 41.3 percent.

"It appears significant," Housing Expediter Tighe E. Woods said, "that the longer a city has been decontrolled, the more general the rent rise. . . . Dallas had been decontrolled five months, Houston only one month, when the survey was made. This would seem to belie the contention of opponents of rent control that when a city is decontrolled prematurely, rents will rise at first, then level off and even drop."

One reason why the full effect of rent decontrol is sometimes not felt during the first few months, Woods pointed out, is the fact that in persuad-

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ing a city governing body to pass a decontrol resolution landlords often pledge themselves not to increase rents unreasonably when the lid is taken off.

One of the most important disclosures in the BLS survey was proof that rent increases hit low-income families the hardest. In each of the six cities studied, the percentage of increase was highest in the rent bracket of $30-a-month and under, and lowest in the $50-and-over class.

What little is left of rent controls is due to expire June 30 of this year. President Truman has asked Congress to continue controls another year. Senators Burnet Maybank (D, S. C.) and John Sparkman (D, Ala.) and Representative Brent Spence (D, Ky.) have indicated that they will push for an extension of the Rent Act in March or April.

A FAMILY MATTER

HARTFORD (NR correspondent)

Mr. and Mrs. Henry Luce are tossing coins over which of them shall run for the Senate from Connecticut this year. Months ago, state GOP leaders propositioned Clare Luce to oppose Senator Brien McMahon (D) for reëlection to another six-year term. Recently the *Time-Life-Fortune* publisher himself admitted that he had a hankering to run against his old Yale classmate, William Benton, Governor Chester Bowles's recent appointee to the Senate who will stand for election to a two-year short term on the Democratic ticket next November. The Truman vs. the Luce foreign policy would presumably be the issue in this race between two old friends who have never run for office before.

Mrs. Luce, who was unenthusiastic about earlier suggestions that she run, now coyly says that "ladies have been known to change their minds." But there is some suspicion that she is keeping her name in the speculation primarily to keep other names out. Meanwhile, Luce is quietly making plans for a tour of the state to size up for himself the chances of a Republican victory this fall. He is already conferring with local GOP leaders about what support he could expect from inside the party.

Cold-blooded state leaders would prefer Clare—who has been tested at the polls—to the untried tycoon. But if Henry Luce has decided that what the Republican Party needs is Henry Luce, the Party will find it hard to contradict him.

THE MAYBANK BILL

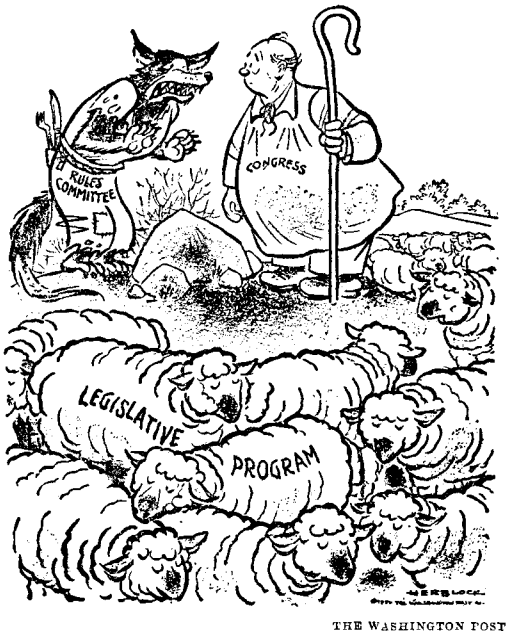
It seems probable that the new bill to provide housing for middle-income families will be the Truman Administration's greatest domestic achievement in this session of Congress. Hearings in the Senate are almost complete and the leadership is pushing for early passage by the Upper House.

The bill of Senator Burnet Maybank (D, S. C.), now before the Senate Banking and Currency Committee, represents a compromise between the public housing groups and the housing-agency officials who always favor private finance. Instead of providing direct government loans to potential builders, the new plan establishes a national mortgage corporation for housing coöperatives, empowered to make loans up to $2 billion with the guarantee of the federal government. The fact that this capital sum will not appear as part of the national debt meets the fiscal objections to previous coöperative housing plans. Direct loans of five percent of the estimated cost would be granted for planning projects and starting preliminary work.

After that, the coöperatives and other nonprofit groups would subscribe to stock in the corporation equal to 7.5 percent of the amount of the individual mortgage loans they desired, which could be paid for after the co-ops received their loans. Only 2.5 percent interest would be charged. The result, sponsors of the bill say, should be to reduce monthly rents by as much as $35 and make it possible for a middle-income family to rent a home for $45 to $73 a month, depending on size.

All public-housing groups are supporting the new plan, and some, like the Coöperative League of America, are already devising ways to make the program work after adoption. Before the Maybank bill reaches the floor, the public groups will attempt to correct one important fault in it. As presently drafted, the new law would set up a coöperative housing administrator as a mere division head in the existing housing agency. The coöperative program should be set up to have the same dignity as the Public Housing Administration and the FHA, with a director appointed by the President.

As usual with housing legislation, the problem of House passage will be more difficult. But if things in the Senate go as well and as swiftly as is anticipated, it will be hard for the House to hold out for very long.



THE WASHINGTON POST

"You poor kid. All those unruly sheep to look after."

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OUTSIDE AMERICA

Two of France's most distinguished fellow travelers have announced their break with Stalinism. Jean Paul Vercors, the novelist, explained:

I refuse to go along with fooling the people, even when it is done for their good. . . . I love humanity above all else, France because she has been the incarnation of the destiny of humanity for 150 years, the Communist Party because it is the only one, in my opinion, which wants and is able in the present conjunctures of the world to accomplish that destiny—to promise man his liberation.

As long as the Party does not give up these admirable ends, one will never see me among its enemies, its adversaries, nor even among those who by a parallel action, even involuntarily, risk dividing, hence weakening it. If one day it is attacked, I shall fight in its ranks. But if it happens that in the name of the Party, one commits an error, a crime, or simply a lie, my love for humanity and my respect for the Party will make me denounce these facts without reserve. . . .

The technical facts of the Tito case, the Rajk case, and the others, Vercors insisted, neither concerned nor interested him, but he could not tolerate that a revolutionary party

surrounded *necessary* acts with a parody of *justice*, that is felt obliged to add dishonor to death, for thus to make justice vile is to wound the faith of peoples, and this derision helps the world to rot.

Neither Vercors nor the other renouncer, Jean Cassou, the art critic, went over to the enemies of Communism. On the contrary, Cassou wrote:

I do not pass into the American camp. In common with many intellectuals of my generation, I have fought for causes the Communists also defended, against Fascism, for the Popular Front, for Republican Spain, against Munich, against Hitler and the Boches, for the Resistance. . . . I know, and many of us in common with the Communists know, the frightful danger to France constituted by American purposes . . . by the abandonment to American capitalism of our whole economic life—indeed of our life itself, of our last chance of life. I know, and we know, the urgency of the need to rouse the whole national opinion against the resignations and the cowardices of a government which *is* in the American camp. Only I ask myself if the struggle we must wage for the material and moral independence of our country and of democracy requires the strict and absolute submission of the proletariat and of our free spirits to the Cominform. . . .

Another novelist, Edith Thomas, announced her resignation from the Communist Party. Of Tito, Rajk, Kostov, Gomulka, she wrote in the independent, leftist *Combat*:

It is possible that they were historically wrong, that a country going through a revolution had to hang them in order to vanquish. But what it is not possible to admit is that it was necessary to dishonor them at the same time. . . . I have the right to say to my comrades of the Party . . . : Your propaganda based on myth does not correspond to the needs of the French people. . . . We have come to a turning point in history. Capitalism is dying. Another world is being born. The face it will have for us will depend finally on our will, our lucidity, our courage.

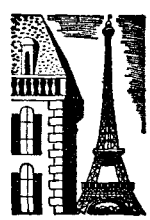
Almost as significant as the statements of Vercors and Cassou themselves was the fact that they were sent to and printed in the Catholic liberal monthly *L'Esprit*, which wrote:

Even if their positions and motives yesterday and today are not always exactly ours . . . they rise up with us against that kind of moral blackmail which holds that to denounce the weaknesses and crimes of Communism is to weaken the Socialist hope.

Although the official Communist newspaper *L'Humanité* reproached them for placing their consciences "above the needs of the nation," the attack had little of the "mad-dog" virulence which usually figures in the "struggle against the neo-Fascist Anglo-American hireling acolytes of the Tito clique." The reason is that the French Communist Party is now vigorously following the line, established at the last Cominform meeting, of courtship of left-wing Catholics who have any influence over working-class Catholics, especially members or potential members of Catholic labor unions (see "Outside America," the *New Republic*, December 26).

The Central Committee of the Party at a meeting in the town hall of Saint-Denis, a suburb of Paris, adopted a resolution almost entirely devoted to self-criticism which "must not consist of a simple recognition of faults but must tend to lay bare errors, to find their causes . . . and to avoid their renewal." One of these errors is "to substitute for a position of class struggle" a sort of anti-clerical laicism "which builds a barrier between us and Catholic workers."

The French Communist Party would not be concerned about the attitude of intellectuals like Vercors and Cassou. The whole trend of the autocritical call for a purge of infiltrating Titoists, Trotskyites and "police agents" was strongly anti-intellectual; most of the errors involved too weak or improper mass appeal and mass action. In its present phase the Party, not unlike the French hierarchy of the Catholic Church in its repudiation of liberalism, is equally eager to stimulate "mass faith" and to discourage "individual reason." But writers who are brought by a crisis of conscience into the principal forum of Catholic liberalism are moving into precisely the camp where the Party wants to win allies, if not converts. The Party reproves them, but it does not scream insults.



It is a camp in which, at least in France, there are large numbers of fighters for *real* social justice and *real* peace, in which the shortcomings of the Church, while recognized, do not lead to hatred of religion, and in which the failures of democratic society do not lead to a worship of the omnipotent state. But Moscow will get allies in this camp only if Vatican City puts it beyond the pale of reasonable and humane coöperation.

PERCY WINNER

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THE FOUNDATION RACKET

by A. G. Mezerik

IN THE NAME of Sweet Charity and her equally gentle sister, Higher Education, a tremendous lot of money, which otherwise would go to the United States Treasury, is sticking to the fingers of lawyers, promoters, "practical men of business," foundations and universities.

Senator Charles W. Tobey (R, N. H.), in the process of investigating the methods used by Textron to build a bright new textile empire, revealed a device which is serving up rich returns for many financiers and industrialists. This is the use of a so-called "charitable trust"—which, naturally, is tax-exempt. Trusts can be and have been set up with as tiny a contribution as $100. In the charter, obtainable in almost every state, the industrialist designates himself or one of his associates as trustee. If there is more than one trustee there are more associates.

A charitable trust must, of course, have a beneficiary, and therefore this worthy object of charity is also named in the charter; but any provision that the beneficiary shall receive a specified percentage of the trust's resources or income is strangely lacking. This detail—minor in the light of the industrialist's intentions—is left to the exclusive judgment of the trustee.

Once the charter has been granted, the trust swings into high gear to accomplish its real purpose. The industrialist's corporation lends substantial sums of money or securities to the trust. The trustee uses these assets for speculation in properties owned by the industrialist or those he wants to acquire. The profits from this speculation are tax-exempt, which is of course the reason for all this eleemosynary activity.

Operating along these general, and completely legal, lines one of the Textron trusts grew from $500 to $4.5 million in 11 years. While the United States Government got not a cent from all this profit-pyramiding and the beneficiary got only $50,000, the trustees—who included the present United States Attorney General—did better. They drew $200,000.

The movement of businessmen into the formation of foundations and charitable trusts, where profits are tax-exempt, is on a huge scale. Sometimes these efforts have all the ingredients for fiction. The story of the formation of a charitable trust to take over the Campbell Ranch, the world's largest wheat grower, is replete with mystery, drama and suspense.

A. G. Mezerik is a free-lance writer living in New York City who makes frequent trips to all parts of the United States. His most recent book is Revolt of the South and West.

In Lincoln, Nebraska, three foundations were recently incorporated. These were chartered as the Sacred Heart Foundation, the Sacred Heart Fund, Inc., and the Sacré Coeur Foundation Fund. The articles of incorporation for each were identical, as was the designation of the philanthropy of each: all were to give financial help to Trappist and Benedictine Orders. The original trustees included Gordon W. Diesing, an Omaha lawyer, six heads of Catholic Orders in the United States, and Secretary of the Navy Francis P. Matthews, who was head of the Nebraska Knights of Columbus from 1939 to 1945. Lawyer Diesing was named President, Secretary, Treasurer, Chairman of the Board of Trustees, General Counsel and Resident Agent.

This seemed to guarantee that Diesing would have plenty to do, if there was any money to do it with. Busy as he must have been, Diesing also undertook to provide for this detail. Three corporations—the United States Wheat Corporation, Rancho San Bernardo, Inc., and the Rancho San Therese—were set up to support the foundations. All were founded as non-profit, charitable enterprises claiming exemption from income tax. These corporations had not only the benefit of Diesing's participation, but they had new strength and much significance in the form of wheat-grower Brigadier General Thomas D. Campbell of Hardin, Montana, and cotton rancher Russell Giffen of California.

The plot thickened last July 15, when it became known that the United States Wheat Corporation had purchased the 95,000-acre Campbell Company wheat farm for approximately $2 million. Rancho San Bernardo, Inc., bought the 35,000-acre San Joaquin Valley cotton ranch, owned by Giffen's firm, for approximately $4.8 million. The capital stock of the two corporations which purchased these ranches is $10, and it is all held by the Sacré Coeur Foundation. One last and not so surprising fact: General Campbell and Giffen were retained by the new owners as managers —salary unknown.

The six heads of the Catholic Orders who were originally named as trustees must have added up the complicated items which are here recited and come up with a total which spelled much more of a plan to avoid the payment of taxes than it did to provide funds for Catholic institutions. All six resigned. So did Secretary Matthews. The imposing structure built by Diesing, Campbell and Giffen—though shaken by

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recent publicity, is still in existence—minus the participation of its beneficiaries, to be sure, but tax-exempt. Meanwhile the Washington *Post* has pointed out that both ranches have drawn government farm loans this year of almost $5 million, so that, "Although the new owners will not be required to pay government taxes on the earnings, they, at the same time, will be guaranteed by the government against loss in their operations." To the taxpayer this is the perfect example of being told, "Heads I win, tails you lose."

There are now some 10,000 family trusts in existence. One of them is the Robinson Foundation—devoted to cancer research. This trust has embarked on a program of purchasing successful corporations. The Robinson Foundation already owns five companies, spread from New Jersey to California. None pays taxes. The companies make tools, boats and other items far removed from the needs of cancer research.

A year ago one of the South's most profitable textile operations—the $34 million Callaway Mills of La Grange, Georgia, ceased paying taxes. It is now owned by a foundation formed by Cason Callaway. The benefits flow to the community, which gets about $400,000 —a sum that is no more than the total of the taxes formerly paid by the company.

Long ago the Hershey family formed the non-profit Hershey Industrial School, which owns most of the extremely profitable Hershey Chocolate Company. Operating costs are not high, and the trustees dispose of the school's surpluses in investments such as the $30 million of its tax-free funds that have gone into the building of a sugar empire in Cuba.

In October, 1948, a Chicago real-estate operator organized the Boston Foundation, to own and lease the huge Edgewater Beach Hotel on Chicago's lake front. The operator is now president of the operating company, which leases the property from his foundation. This $6 million enterprise last year donated $105,000 to Chicago institutions—in tax-exempt money.

Foundations can be very important in the power politics of corporations. Some of our revered public-relations giants have devised foundations—now cloaked in an aura of philanthropy—but none the less earning huge, tax-free profits while their trustees vote immense assets in favor of the donor and so ensure his continued control of diversified and far-flung operations.

The realization of the fruits of tax exemption has been found worthy of study—and practice—by our colleges and universities; just how intensively can be gathered from Representative Noah M. Mason's (R, Ill.) statement that "Educational institutions are buying factories, race tracks, radio stations and commercial properties which they take off the tax rolls." Strong as this language is, it is an understatement.

Washington University, in St. Louis, has invested nearly $8 million of its $22 million endowment in commercial real estate. It owns 51 business buildings in St. Louis and two in Kansas City, where it also owns a railroad switchyard. These properties produce about $500,000 of tax-exempt income annually.

Union College purchased, for more than $16 million, all the properties that are occupied by the Allied Stores Corporation, one of the largest national department-store chains. On acquiring title, Union leased all the properties back to Allied Stores at low rental. The same college now owns the Abraham and Straus property in Brooklyn, valued at $9 million, leased back to A&S at low rentals for a span of 80 years.

Oberlin College owns Montgomery-Ward, Sears, Roebuck, and Woolworth locations in many parts of the country. The University of Pennsylvania owns the Lit Brothers store property in Philadelphia. Lit's, of course, still occupies it on a lease-back arrangement. To date the government has nowhere challenged this "sell-and-lease-back" type of transaction by which universities and colleges acquire great office and store buildings, producing large, tax-exempt incomes, while taking that much more property off the tax rolls.

In the Ivy League, the practice is the same. Yale owns the Frank & Seder store in Philadelphia, and last month its humorously named subsidiary, Conn-Boola, Inc., paid $4.5 million for Macy's brand-new store building in San Francisco, immediately leasing it back to Macy's. Harvard is part owner of Gimbel's Philadelphia location. Columbia University owns the site of much of Rockefeller Center; Cooper Union, that of the Chrysler Building.

In all these cases, though the educational institution gets less rent than an ordinary landlord might collect, it is obtaining greater returns than it would get from bonds. In renting to well-established companies it runs little risk. On the other hand, the firms that sell their real estate to a university, in addition to paying less rent annually, can get a higher price for their property —and in some cases write off assets largely depreciated. Once the property changes hands, the former owner can, as lessee, deduct his rental costs as business expense.

Rich pickings lie here for businessmen. They are so great that universities and colleges are flooded with offers to sell them sites occupied by companies.

Not content with the fat yields in the field of commercial real estate, university administrators have also

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become industrialists. High-powered business enterprises—owned by educational institutions—now produce $150 million of income annually. According to the report of a special committee of the American Council on Education, 455 universities and colleges, of 1,300 studied, are in business. All these own commercial enterprises or activities, the products of which are sold to others than the staffs and students of the institutions.

Through a corporation, formed and directed by alumni and friends, which acquired the C. F. Mueller Company, New York University has gone into the macaroni and spaghetti business in a big way. NYU has also taken to manufacturing piston rings (Ramsey Corporation), table china (American Limoges China Company) and leather goods (Howes Leather Company). Altogether, NYU controls half a dozen concerns with gross assets of about $50 million. This feverish entry into industry produces the desired results in terms of tax exemption. Had the NYU corporations remained in private ownership, they would, last year alone, have paid $1.5 million in federal taxes. NYU, standing on its non-profit status, has paid no corporate income taxes at all and when asked to disgorge some of the Mueller profits, went into court to stop the Bureau of Internal Revenue from collecting. The Bureau, however, contends that noodle making is not "charitable, scientific, literary or educational" (the statutory requirement for tax exemption).

Meanwhile the march of the universities down the field of business, banking, real estate and industry goes on. The University of Louisville will soon be the beneficiary of the newly formed foundation that is taking the famous Churchill Downs race track off the tax rolls. Gonzaga College owns radio station KGA—tax-free. The University of Michigan owns Willow Run Airport. Utah State College operates a hydroelectric plant. Morningside College in Sioux City owns a street-car company and the franchises for city buses.

Universities own haberdasheries, citrus groves, movies, cattle ranches, the Encyclopedia Britannica (the University of Chicago) and a host of other enterprises. The University of Wisconsin controls patent pools and collects royalties. How well and how much they do can be seen from the estimate that universities and colleges, together with foundations, have an annual income from all their business activities, including real estate, of $520 million. Were the universities not tax-exempt they would pay $173 million in taxes yearly on this income.

Even the colleges themselves are beginning to get uneasy about this racket. At the conference of the Association of American Colleges held in Cincinnati early in January, several speakers warned that there was danger in present tendencies. Harold E. Stassen, president of the University of Pennsylvania, blithely ignoring the fact, mentioned above, that his institution owns the land and the building occupied by Lit Brothers, in Philadelphia, issued a stern warning that the right to tax exemption is being abused by "some" colleges and universities.

The actions of the churches are also coming in for criticism, notably from the *Christian Century* and certain religious leaders. Cardinal Stritch of Chicago not long ago denied permission to a Catholic Order that sought to purchase properties in nearby Lake County. The Cardinal has since been quoted as saying that his decision was in part based on the fact that the tax status of the county would have been adversely affected. Lake County is already overburdened by tax exemption. Methodist dignitaries also seem to be concerned over profits gleaned from property in which pool rooms and taverns ply a non-religious trade. The Mormon Church, a really big operator in commercial fields, has paid its full share of federal taxes. But these are apparently notable exceptions in the over-all picture.

Obviously, if the heads of the country's non-profit institutions want to become bigger and better industrialists, real-estate men and bankers, they have the money to do it. The basic requirement is to preserve their precious tax-exempt status. In 1950, when Congress will be going over the tax structure with a fine-tooth comb, this would not be easy were it not for the fact that a scapegoat is in sight.

Deafening blasts are being directed at the co-operatives, which are also tax-exempt. However, the coöperatives are in a very different position from charitable trusts and the educational and religious institutions which own and operate commercial enterprises not related to their own fields. Coöperatives are enterprises which are set up to supply goods or services needed by their organizers. Furthermore, 30,000 of them do pay income taxes, while only 5,000 do not.

The co-ops, however—by selling goods reasonably—have succeeded in showing up the exorbitant prices charged by some monopolies. Universities, charitable trusts and foundations, being interested in all the profit they can get out of their very commercial operations, do nothing so distasteful to the corporate giants as this. It can, therefore, be expected that the attacks on the co-ops will continue to divert America from the truth of the Biblical observation, "Charity covers a multitude of sins."

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FEPC RALLY IN WASHINGTON

by Henry Lee Moon

SPONSORED BY 60 national organizations, the Emergency Civil Rights Mobilization brought to Washington more than 4,000 delegates from 33 states for a three-day conference and mass lobby, January 15-17. Their presence in Washington dramatized the mounting pressure among rank-and-file members of liberal organizations throughout America for early enactment of the civil-rights program to which both Republicans and Democrats pledged support in their party platforms of 1948.

Observers agreed that the gathering of so large and varied a group was significant in that it was composed of non-Communist, and in many instances strongly anti-Communist, supporters of civil rights. The Mobilization, initiated by the National Association for the Advancement of Colored People, sought primarily the enactment of the Fair Employment Practices bill in this session of Congress. Leaders of the movement believed that this objective would be impaired by the participation of Communist elements.

Shortly after the announcement of the Mobilization, William L. Patterson, national executive secretary of the Civil Rights Congress, wrote a letter to Roy Wilkins, acting NAACP secretary and chairman of the Mobilization, offering the "support" and "coöperation" of the CRC and suggesting that Ben Davis, Paul Robeson, Henry Wallace and Vito Marcantonio be invited to address the Washington conference.

Citing past experience with Communist-dominated organizations and challenging the claim of Communists to be supporters of civil rights, Wilkins rejected Patterson's offer. "We want none of that unity today," he said. "We do not believe that it will contribute to the success of the campaign. On the contrary, we believe it will be a distinct handicap."

Nevertheless, units of the American Labor Party, the Progressive Party, the Young Progressives of America, the suspended CIO unions and other left-wing groups persisted in trying to "crash" the Mobilization. To avert their infiltration, rigid accreditation requirements were set up and a credentials committee appointed under the chairmanship of Willard S. Townsend, veteran foe of the Communists, president of the United Transport Service Employees, CIO, and a vice-president of the NAACP. Delegates who failed to present proper credentials on the stationery of an accredited organization and signed by a responsible officer thereof were denied registration. Known Communists were summarily turned back by the committee.

Among the delegates there was unanimity in giving priority to FEPC and other civil-rights measures. Labor delegates from AFL and CIO unions subordinated their demands for repeal of the Taft-Hartley Act. Delegates from the American Jewish Committee, the American Jewish Congress and the Anti-Defamation League of B'nai B'rith sacrificed the opportunity to press for enactment of a non-discriminatory DP bill.

More than half of the delegates were from local branches of the NAACP. While the majority were Negro, from a quarter to a third were white men, women and youth from labor, church, Jewish, Catholic, fraternal, veteran, youth and civic organizations. The presence at the conference of both Negro and white delegates from the Southern states belied the contention that the people of that region are solidly opposed to civil-rights legislation. Among the 291 delegates from the South was an all-white group of 35 from the University of North Carolina. There were also delegations from such institutions as the University of Chicago, Howard, Brooklyn College, and Sarah Lawrence.

For the most part, the delegates were courteously received by their Congressmen. However, there is the story of the eight-person delegation from Texas which visited the offices of 18 Texas Representatives and was received by only two. The delegates, however, came armed. In each of the 18 offices they left a petition signed by more than 5,000 registered Negro voters in the Representative's district, expressing their desire for the enactment of civil-rights legislation and indicating that they would vote in the Democratic primaries only for candidates who supported the party's platform.

While making it clear that they intended to meet the Congressional foes of civil rights at the polls, the delegates indulged in no threats, denunciations or wrangling with Congressmen. They were serious, orderly, resolute. And on Capitol Hill they made a favorable impression.

The tone of the conference was set by Wilkins when he said in the keynote address at the Sunday night meeting:

Henry Lee Moon, director of public relations for the National Association for the Advancement of Colored People, holds degrees from Howard and Ohio State Universities, and studied at Brookwood Labor College. A former Regional Adviser on Race Relations to the US Public Housing Authority, he is a frequent contributor to the New Republic *and other magazines and author of* Balance of Power: The Negro Vote, *published by Doubleday last year.*

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We come today as representatives of 60 national organizations who are interested in American legislation, for the rights of American citizens, in the interest of America and of no other state. We are not here for malicious heckling and embarrassment except as the citation of your shameless Congressional record embarrasses. We are here to demand our rights. We are here to protest and to reason with our elected representatives. We will be heard here and when we return to our homes.

The delegates sought commitments from members of the House not only to vote for FEPC but also to vote against the dangerous backward step recently proposed by the House Rules Committee. They buttonholed Senators in an effort to line up votes for closure as well as for the bills. From President Truman they received assurance that the Administration would seek a vote on civil-rights measures if it took all summer.

THE STRUGGLE FOR THE GERMAN MIND

by Telford Taylor

FOUR YEARS have passed since the start of the German Occupation, and the almost unlimited physical means and political scope which we originally enjoyed are ours no longer. A new phase in our relations with Germany has opened, and if it is now too late to make a fresh start, it is nevertheless high time for a new look. The resurgence of "nationalism" in Germany, constantly reported in the dispatches of experienced and reliable foreign correspondents, is a thing which must deeply concern all of us, in so far as it is an obstacle to the accomplishment of our purposes in Germany.

In historical perspective, German nationalism is, of course, multiform, but invariably at its core today is negation or minimization of Germany's responsibility for the war and its accompanying atrocities and other ravaging consequences. It is not only a denial of guilt, but is likewise a repudiation of the democratic principles and practices which the Western Allies espouse. It is a rejection of the program for the "reëducation" and "democratization" of Germany to which the Occupation is officially dedicated.

Nuremberg was an excellent vantage point from which to observe the unfolding of the new nationalist doctrines. On many occasions, the arguments of defense counsel afforded a most illuminating preview of what the Germans may think and say about their "guilt" in future years. It is much to be regretted that press reports rarely mentioned this facet of the trials, rewarding as it was to anyone interested in the shaping of the German postwar mind.

Telford Taylor, born in Schenectady, New York, is a graduate of Williams College (where he once taught) and the Harvard Law School. During the New Deal period he was counsel for a number of government agencies, and was General Counsel of the Federal Communications Commission when the war broke out. During the war he was an officer in the Army Intelligence Service in England and on the Continent, and ended as a colonel. He was deputy to Justice Jackson during the first Nuremberg trial, and thereafter succeeded Jackson as Chief of Counsel for War Crimes at Nuremberg, with the rank of Brigadier General in the Army. Upon conclusion of the trials, he resigned from the Army and is now practising law, with offices in New York and Washington.

The most systematic presentations of the nationalist apologia for the deeds committed under the Third Reich were made by a youngish Lübeck attorney named Otto Kranzbühler, formerly a *Flottenrichter* (judge advocate with the rank of captain) in the German Navy, and war-crimes defense counsel for Admiral Doenitz, Alfred Krupp and Odilo Burkart (an associate of Friedrich Flick). In essence, the "Kranzbühler thesis" adds up to something like this:

¶ Modern warfare is of so "total" a character that all the laws and customs of war are obsolete.

¶ So far from Germany being to blame for this, it is rather the United States and Britain that are chiefly responsible, since they developed methods of warfare directed against civilians, such as economic blockades and strategic bombing.

¶ Therefore Germany is no more to be condemned for economic exploitation of occupied countries, deportation of civilians to slave labor, execution of hostages and other practices affecting civilians than are England and the United States for the bombing of German cities—in fact rather less.

¶ Granting that the slaughter of the Jews was an excess, it was no worse than Russian treatment of German prisoners or the British air raid on Dresden in the last few days of the war.

¶ And anyhow, what about the atomic bomb?

Thus, when Kranzbühler arose before the Nuremberg court to defend the use of many thousands of French, Dutch, Polish and other foreign slave workers in the Krupp plants, he rested his case on the proposition that:

> . . . Developments are following a general trend toward total war. Just as the Allies claimed for themselves the right to draw . . . from this development those consequences which appeared to them necessary for the conduct of the war, the same right can also be claimed for the German conduct of the war.

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From this premise, and referring to American and British bombing of German factories, Kranzbühler concluded:

> If it is permissible to kill the workers of the enemy, it cannot be a crime to put them to work.

And for this state of affairs, America and England have only themselves to thank. For Germany has always followed "the continental conception of war as a conflict solely between the military forces of the opponents," whereas, Kranzbühler declared in the Flick trial:

> The Anglo-Saxon world has never recognized this continental concept of war. In its view, the war is directed not only against the enemy state and its army but against every enemy national. There can be no doubt that the Anglo-Saxon concept of war as a fight between the people down to the last individual has prevailed. I doubt whether this is progress, but it is a fact.

Kranzbühler's arguments gained little immediate public attention, even in Germany, but they were the precursors of similar expressions in the press and on the platform. In particular, the notion that the extermination of Jews and other Nazi atrocities were no worse than the Allied bombing of Germany has won wide acceptance.

The failure of the denazification program is one of the most unfortunate results of the "nationalist" trend. The carrying out of denazification was entrusted to the Germans, and the program thus became the first big test of the quality of German postwar anti-Nazism. The results are most disquieting.

In some measure, this failure was the result of a decision to dispose of the less serious cases at the outset, and deal with the "big Nazis" thereafter. The reason was to avoid prolonged detention of the many "lesser fry" pending their hearing. But the upshot was that few leading Nazis were dealt with prior to the resurgence of nationalism, with its outright scorn for the whole idea of denazification. Soon most subjects preferred to be classified as "Nazi followers," since classification as a non-Nazi was taken to indicate "abnormality" or even lack of patriotism. By the time the top Nazis were reached, the denazification officials were already eyed frigidly by their fellow countrymen, and they had little stomach for their task.

And so we have witnessed a series of acquittals and shockingly light sentences for many notorious and dangerous Nazis. In the few cases where prison sentences were pronounced, they were usually for less than the period which had already been spent in confinement awaiting trial, so that the subject was immediately freed. Thus Hubert Hildebrandt, head of the foreign-labor branch of the Labor Ministry, top assistant to Fritz Sauckel (hanged at Nuremberg) and deeply involved in the German slave-labor program, was classified as a Nazi "follower" and fined 250 marks. Gerhard Klopfer, an SS major-general and second man to Martin Bormann in the Nazi Party Chancellory, was classified as a "minor offender." Karl Wolff, SS lieutenant-general, long Himmler's top personal aide and later chief of all SS and police activities in Italy, after awaiting trial for about four years in internment, was sentenced to four years' imprisonment, and thus set at liberty seven days later.

If such men are to go free, there is little point in excluding those of far paler Nazi hue from normal employment. Indeed, the ponderous denazification "mill" has ground rapidly and exceeding coarse. In the British Zone, out of more than 20,000 former SS and Party officials who were "tried," only 143 were still in prison by February, 1949. In Bavaria, some 14,000 Nazis were classified as "major offenders" or "offenders," but in May, 1949, exactly 55 of these were still serving sentences.

Denazification started out a "noble experiment," but ended up a sour joke. Still more ominous than the light sentences is the fact that the Germans who administered the program are now practically pariahs, and find it exceedingly difficult to obtain either public or private employment. It has even proved necessary to establish a sort of protective association for former denazification officials and employees.

If the Germans failed to measure up to what one might have hoped for in denazification, our own neglect of the reëducation program has been even more disastrous. Indeed, each failure contributed heavily to the other. Despite the fact that the political and social democratization of Germany, by reëducation and other means, was declared to be the primary objective of the occupation, in fact it was never tackled as a major undertaking. The chiefs of the education, information and other branches of military government directly concerned with democratization were never held out as important figures in the occupational set-up. In the name of economy, the staffs of these sections were kept preposterously small in comparison with the magnitude and difficulty of the undertaking. In Germany especially, rank accounts for a great deal, and the Germans speedily concluded that reëducation was not a seriously intended program and that most of our talk of democratization was nothing but "*ami*" window dressing. In short, we utterly failed to convince the Germans that we meant business.

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This was sorely discouraging to those Germans who were truly in sympathy with our announced purposes, and played into the hands of those who were anxious to discredit denazification. The fiasco of denazification, in turn, eventually resulted in the return of thousands of Nazis and Nazi supporters to the teaching profession, the civil service and other activities where their sympathies and proclivities are an enormous obstacle to democratization.

When we talk about "reëducation" and "reorientation" in Germany, we mean, at least most immediately, that the Germans should be told the facts of recent history and exposed to new points of view about the relations between the individual and the state, and about the role of Germany in the world of nations. This is a mammoth enterprise, involving teachers, text and trade books, pamphlets, newspapers and periodicals, publishing, and libraries, to mention only a few of its ramifications. This is the area in which Dr. Goebbels and his minions did their most malignant and effective work, as much by starvation as by poisoning. A penetrating and authoritative report prepared in 1948 by a committee of American publishers (including George P. Brett Jr., president of the Macmillan Company, and several leading textbook publishers) relates:

> The basic publishing fact is that our educational program to date in Germany has not, in three years, been able to establish an adequate group of educational publishers. . . . American educators with whom we discussed this situation had apparently intended to cope with it by American standards. Shortages could be handled in the light of US War Production Board experiences. . . . This view was certainly not wholly shared by their German opposite numbers nor, apparently, by the top levels of OMGUS. . . .
>
> The success of the reëducation mission of OMGUS seems to this committee absolutely essential to a peaceful future. It is not useful or necessary at this time to belabor the question why the textbook program and, behind it, the entire educational program appear to have made so little progress. The personnel of the Branch to whom we talked . . . struck us as devoted, sincere and able men. . . . We could not feel, after talking to them, that they felt they had either the deep interest or the solid backing of the top echelons of OMGUS.

The result is that during the initial and most critical years of the Occupation, *there were no textbooks whatever covering German or European history since the First World War.* In the world of print, the terrible years since 1933 have become, not a lesson, but a vacuum.

Time and opportunity have thus been sadly dissipated, but it is not too late to accomplish something substantial. The well-known German journalist, Franz Joseph Schoningh, editor of the largest newspaper in southern Germany (the *Sudeutschen Zeitung*), has convincingly outlined the needs of the hour:

> Most Germans . . . can only be persuaded as to the wrongness of Nazism by facts, facts, facts. . . .
>
> Textbooks in the schools mention nothing at all about recent history, not a word about Nazism, how it arose and what it did to the world. . . .
>
> We need a flood of pamphlets, books, articles . . . all positively, irrefutably documented . . . and cheap enough for the man on the street, on such topics as: Did Hitler want war? Was it Hitler's intent to destroy the Polish nation? What really happened to the Jews?

Of course, democracy cannot be stuffed willy-nilly into German minds by main force and alien hands. Likewise, the fate of democracy in Germany is, to a great degree, at the mercy of the international elements. For it is sure that the German domestic political outlook will be profoundly influenced by the course of world events, and that the most effective deterrent to German nationalism would be a real international *détente,* and an era of "peace and good will" signalized by the development of international law and order. Thus, at Strasbourg, Winston Churchill sounded a true note in his recommendation that Germany be admitted to the Council of Europe. The German political leaders can only be benefited by giving them frequent opportunity to escape from their semi-isolation in the murk of postwar Germany. Contact with the statesmen of other European nations in the progressive and humanitarian atmosphere of Strasbourg should be for them an enlightening and strengthening, and upon occasion a chastening, experience. At the same time it will give the rest of us a chance to view German leadership in a new setting, and thus to gauge more accurately its true temper and objectives. Anti-social disease cannot be cured in the isolation ward, nor the patient's progress accurately assessed if he is totally excluded from society.

In fact, it is perhaps not too much to say that the success or failure of the "Strasbourg idea" may well have a determinative effect on Germany's political fu-

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ture. One of the most noteworthy developments of the first sitting of the Council was the adoption by the Consultative Assembly, with but one dissenting vote, of a charter of basic human rights, together with a plan for an investigatory commission and an international court for its interpretation and application. The Strasbourg Charter, prepared under the leadership of Sir David Maxwell Fyffe (former British Attorney General) and Pierre Henri Tietgen (former French Minister of Justice), is a bold enlargement of the concept underlying the United Nations convention outlawing "genocide," which is now before the US Senate for ratification. The basic legal theory of both the Charter and the convention is the same as that which underlies the Nuremberg and other war-crimes trials—that international law is binding on the individual man, and may be enforced against him by international judicial action. It is a far-reaching step in the direction of "world order under the rule of law." Senate ratification of the genocide pact is supported by many distinguished lawyers, but it was recently disapproved by the American Bar Association after sharp debate.

Whatever the legal merits or defects of the genocide convention, it is too clear for argument that its fate (and that of the Strasbourg Charter) will be closely watched and have a profound effect in Germany. Legal opposition to the convention is largely based on unwillingness to countenance the possibility that Americans might be tried by international courts. The Germans are keenly aware that the Nuremberg defendants were sentenced by international courts composed of judges from the victorious nations. Should the Senate refuse to ratify the genocide convention, it is certain that the Germans will conclude that America is unwilling to subject her own citizens to the same law that was applied, under American stimulus, to Germans and Japanese at Nuremberg, Tokyo and elsewhere. To say that this will make the Germans cynical, and suspicious of our sincerity, is to put it mildly. They will feel that our own acts have proved the bitter words of the Hamburg jurist Rudolf Laun, who wrote in 1946:

> From now on there are two kinds of international law. One for German nationals . . . and another for the rest of the world. The principle of equality of nations in international law no longer exists.

Such an outcome would present German nationalism with far more plausible arguments than any it now possesses.

During the war, military communiqués often reassuringly declared that such and such an action had been carried out "according to plan." Few occasions for the use of this phrase have presented themselves in Germany. At the end of the war we all shook our heads in dismay over the seemingly incorrigible Germans, and sadly agreed that perhaps nothing would ever do them any good, but that a long-range reëducation program on a large scale offered the best hope. Then our actual undertakings proved to be of mouselike proportions, and now, a scant four years later, we are anxiously trying to convince ourselves that Germany has been somehow and already sufficiently democratized even to be counted an ally in the defense of liberty against aggressive totalitarianism!

The cycle has been too rapid to be real. Great nations do not shed their virtues or vices overnight, even under the impact of national disaster. The bombs that burned and shattered Munich and Nuremberg left few traces in the lovely Bavarian countryside. Defeat and occupation have not destroyed German industriousness and love of music; no more have they banished the arrogance and insensitivity which are the roots of nationalism.

So, victorious in the trial by battle, we are still faced with the struggle for the German mind. As yet we have not seriously exerted ourselves; our German policy has been carried out in a sort of national half-sleep. For lack of concentrated attention and effort and a few million dollars, we are in danger of squandering the opportunity purchased at the cost of countless lives and many billions. What we really need is a new mobilization of grass-roots support for the occupation and its objectives. For Germany is the heart of the European problem, and her political stabilization is a prerequisite of enduring peace.

DRAWINGS BY BERNARD GOLDEN

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HAROLD L. ICKES: "Keeping Out of Formosa"

WISE STATESMANSHIP may propose, but a maladroit or badly informed Congress may dispose. A week ago in this space I applauded President Truman for taking the sensible and statesmanlike position that he did with respect to Formosa. He announced that we would not go to the aid of Chiang Kai-shek and his gang of forty thieves, directly or indirectly. Of course, he spoke in diplomatic language, although firmly.

Following this statement, Secretary of State Acheson explained that we were standing aside so as to avoid the enmity of the Chinese people, which, as he saw it, would accrue to the Communists of Russia who are already nibbling at China as mice would at a cheese. But even while Mr. Acheson was justifying our remaining aloof from Formosa and insisting that we still had a satisfactory line of defense in the Far East, agents of Chiang Kai-shek were negotiating for the purchase of armored vehicles and some 200 light Sherman tanks that had been declared "surplus" by the American Army. The latter were being sold by "Uncle Scrooge" at $1,000 each, as against an original cost of $27,057. Even so, these were not paid for by the mendicant Chiang government. They were purchased out of the $125 million that our Congress had foolishly voted for Chinese aid in 1948. Of course the fault lay with Congress alone for the squandering of this large sum of money, but it was the Army that had priced the tanks at the ridiculously small sum of $1,000 each.

It was an unfortunate coincidence—if it was a coincidence—that the news of the shipment of engines of war to the corrupt Nationalist generals broke almost simultaneously with Mr. Acheson's announcement of our detachment from Formosa. Many people, even in the United States, do not realize that the $125 million largess with which the palm of the mendicant Chiang was crossed had already passed beyond the control of President Truman. And if the average well-informed American citizen sees a glaring contradiction between shipping engines of war to Formosa simultaneously with the announcement by President Truman that we would do no such thing, what are non-informed men and women in the middle of China to think, to say nothing of people in all parts of the world? It all points to the dangerous absurdity of both Congress and the Executive conducting foreign affairs independently of each other, or even despite each other. The Executive Branch of the government and Congress ought to work coöperatively, and this can be done without either invading the constitutional sphere of the other.

Congress has no more right to meddle in foreign affairs than the Executive Department has to draw on the Treasury of the United States without the prior consent of the Congress of the United States. Not only has Congress been doing this; individual Congressmen have been operating as self-appointed ambassadors-at-large in all parts of the world, and particularly in China and Spain. If Secretary of State Acheson said the right thing as to Formosa, in support of the position already taken by President Truman, his words were, to a considerable degree, nullified by the action of the Army in practically giving away to Chiang Kai-shek, for use on Formosa, tanks that had cost the Treasury $27,057 each to build. Moreover, according to the Chinese Embassy, this was only one of a number of such shipments of engines of war from the United States to Formosa.

There is one thing that Secretary Acheson should do without delay which has already been too long postponed. He should serve notice on the armed forces, and particularly the strutting General MacArthur in Tokyo, that the conduct of foreign affairs under the Constitution is the responsibility of the President, whose exclusive agency in this field is the State Department. Incidentally, MacArthur should be called upon for an explanation of how a confidential memorandum from the State Department happened to leak from Tokyo. Likewise, Mr. Acheson should serve notice on Congress that its interference in foreign affairs, as in the instance of the shipment of these tanks, is not only an encroachment upon executive power, it is such a reckless usurpation of power as is likely to make us a laughingstock to other countries. Worse still, meddling in order to build up personal prestige or for partisan political purposes is treading the dangerous path to possible war.

At a recent press conference, Secretary Acheson clearly stated American policy with respect to the Chinese Nationalists and persuasively convinced the people of the country of the soundness of that policy. With equal force, at another press conference or in a press release, he should point out to trespassing Congressmen the limits upon their behaviorist antics as written in the United States Constitution for the purpose of defining the scope and jurisdiction of the three constituent branches of the government so as to keep each within its well-defined place.

HAROLD L. ICKES

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CIVIL RIGHTS AND MINORITIES

by Paul Hartmann & Morton Puner

A MAJOR INTENT of the Constitution and its amendments—to guarantee equal rights to all citizens regardless of race, creed or color—has been reinforced by the civil-rights statutes of many states. In some states, such laws have been on the books for three-quarters of a century. Yet the same intent of the Constitution has been denied, in many other states, by custom, bias and law.

How thoroughly are the members of America's minority groups—of all races and religions—protected by present civil-rights legislation? What bars to full enjoyment of civil rights have been imposed by the states in order to conform with regional prejudices and patterns?

The following chart tells the legal status of civil rights in the 48 states and the District of Columbia. It covers four major areas in which discrimination strongly affects members of America's minority groups: employment, education, intermarriage, and transportation and recreational facilities.

As the chart indicates, some states have enacted good legislation, outlawing discrimination and segregation. Others have enacted bad legislation, requiring or authorizing segregation. Absence of legislation can, of course, have varying effects. If a state has no law barring interracial marriage, two persons of different races are free to marry. No law in this case means good law. Conversely, if a state has no law concerning discrimination in private employment, an employer is free to discriminate in hiring, in which case no law means bad law.

Racial or religious discrimination in public employment—by state or municipal authorities—is a violation of the Fourteenth Amendment. In addition, some states have enacted laws specifically prohibiting religious tests for public office or forbidding discrimination in civil service.

Most of the state Fair Employment Practices laws also cover public employment. But FEPC laws are mainly concerned with *private* employment, where there is no constitutional protection against discrimination. The legal solution varies from state to state. Eight of them—New York, New Jersey, Massachusetts, Connecticut, Washington, Oregon, New Mexico and Rhode Island—have passed FEPC laws which provide enforcement by administrative agencies. Indiana and Wisconsin have declared discrimination in employment to be against public policy but have not provided enforcement machinery. Some states prohibit discrimination in certain fields of private employment such as public works and defense work.

In states not covered by FEPC legislation, a number of cities have enacted ordinances barring discrimination in public or private employment. Such ordinances are in force in Chicago, Philadelphia, Milwaukee, Minneapolis, Cincinnati, Phoenix (Arizona) and Richmond (California).

Discrimination in public education is prohibited by the Fourteenth Amendment. But the word "discrimination" has different meanings in different sections of the country.

Segregation of races is regarded as a form of discrimination in Northern states, where laws banning discrimination usually outlaw segregation.

Sixteen states prohibit segregation in all public schools by anti-discrimination or specific anti-segregation laws. In four of these states—New York, New Jersey, Massachusetts and Pennsylvania—this prohibition extends to some or all private schools. The Fair Educational Practices laws of the first three of these states are enforced through special administrative agencies. But since the Fourteenth Amendment does not grant protection against the action of private individuals, private educational institutions in the 12 other states are free to discriminate. Illinois, however, meets this problem in part by its law stating conditions for the granting of professional licenses, which declares that schools which discriminate shall not be considered reputable and in good standing.

Eleven states have no laws on "race" in public schools, although two of them—Nebraska and Nevada—prohibit race discrimination in state universities. Segregation in public schools in these 11 states is prohibited under court rulings which ban segregation in such schools unless authorized by legislation.

Twenty-one states and the District of Columbia legally authorize segregation. Their laws are based on the "separate but equal" doctrine. In three of these—Kansas, Wyoming and New Mexico—segregation of Negroes is permitted but not required. In Kansas the permission applies only to certain types of public schools. Segregation in Arizona is mandatory in ele-

(*Continued on page 23*)

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Here Are the Facts About Discrimination

STATE	EMPLOYMENT	EDUCATION	INTERRACIAL MARRIAGES	TRANSPORTATION AND RECREATIONAL FACILITIES
Ala.	No law barring discrimination in private employment	Segregation mandatory in public schools and at college level	Marriage prohibited between white and Negro	Mandatory segregation in transportation facilities
Ariz.	No law barring discrimination in private employment	Segregation mandatory in elementary schools, permitted in high schools	Marriage prohibited between Caucasian and Negro, Mongolian, Malayan, Hindu or Indian	No law prohibiting or requiring discrimination or segregation by private enterprises
Ark.	No law barring discrimination in private employment	Segregation mandatory in public schools and at college level	Marriage prohibited between white and Negro	Mandatory segregation in transportation and some recreational facilities
Calif.	Discrimination prohibited in employment in public works	Law permitting segregation in public schools of Indians and Asiatics repealed 1947	Statute banning interracial marriages declared unconstitutional in 1948	Discrimination, including segregation prohibited
Colo.	No law barring discrimination in private employment	Discrimination and segregation prohibited in public schools	Marriage prohibited between white and Negro	Discrimination, including segregation, prohibited. Discriminatory advertising prohibited
Conn.	Discrimination prohibited. Enforcement machinery	Discrimination and segregation prohibited in public schools	No law banning interracial marriages	Discrimination, including segregation, prohibited
Del.	No law barring discrimination in private employment	Segregation mandatory in public schools and at college level	Marriage prohibited between white and Negro	No law prohibiting or requiring discrimination or segregation by private enterprises
D. C.	No law barring discrimination in private employment	Segregation mandatory in public schools	No law banning interracial marriages	No law prohibiting or requiring discrimination or segregation by private enterprises
Fla.	No law barring discrimination in private employment	Segregation mandatory in public and private schools, including college level	Marriage prohibited between white and Negro	Mandatory segregation in transportation facilities
Ga.	No law barring discrimination in private employment	Segregation mandatory in public schools and at college level	Marriage prohibited between white and non-white	Mandatory segregation in transportation and some recreational facilities
Idaho	No law barring discrimination in private employment	Religious tests prohibited in public and private schools. Segregation prohibited in public schools	Marriage prohibited between white and Mongolian or Negro	No law prohibiting or requiring discrimination or segregation by private enterprises
Ill.	Discrimination prohibited in employment in defense work and in public works	Discrimination, segregation prohibited in public schools. Discriminating private schools declared non-reputable	No law banning interracial marriages	Discrimination, including segregation, prohibited. Discriminatory advertising prohibited
Ind.	Bans racial discrimination in public works. Employment discrimination declared against public policy	Discrimination and segregation prohibited in public education	Marriage prohibited between white and Negro	Discrimination, including segregation, prohibited
Iowa	No law barring discrimination in private employment	Discrimination and segregation prohibited in public schools	No law banning interracial marriages	Discrimination, including segregation, prohibited
Kan.	Racial discrimination prohibited in employment in public works	Discrimination prohibited in public education. Segregation permitted in some public schools	No law banning interracial marriages	Discrimination, including segregation, prohibited
Ky.	No law barring discrimination in private employment	Segregation mandatory in public and private schools, including college level	Marriage prohibited between white and Negro	Mandatory segregation in railroad facilities
La.	No law barring discrimination in private employment	Segregation mandatory in public schools and at college level	Marriage prohibited between any white or Indian person and any colored person	Mandatory segregation in transportation and some recreational facilities
Me.	No law barring discrimination in private employment	No legislation	No law banning interracial marriages	Discriminatory advertising prohibited, but no law prohibiting discrimination by private enterprises
Md.	No law barring discrimination in private employment	Segregation mandatory in public schools and at college level	Marriage prohibited between white and Negro, white and Malayan, Negro and Malayan	Mandatory segregation in railroad and steamboat facilities
Mass.	Discrimination prohibited. Enforcement machinery	Discrimination and segregation prohibited in all schools. Enforcement machinery	No law banning interracial marriages	Discrimination, including segregation, prohibited. Discriminatory advertising prohibited
Mich.	No law barring discrimination in private employment	Discrimination and segregation prohibited in public schools and public educational institutions	No law banning interracial marriages	Discrimination, including segregation, prohibited. Discriminatory advertising prohibited
Minn.	Discrimination prohibited in employment in public works	Segregation prohibited in public schools	No law banning interracial marriages	Discrimination, including segregation, prohibited
Miss.	No law barring discrimination in private employment	Segregation mandatory in public and private schools, including college level	Marriage prohibited between white and Negro or Mongolian	Mandatory segregation in transportation facilities
Mo.	No law barring discrimination in private employment	Segregation mandatory in public schools and at college level	Marriage prohibited between white and Negro or Mongolian	Mandatory segregation in some recreational facilities. No segregation required in transportation facilities
Mont.	No law barring discrimination in private employment	Discrimination and segregation prohibited in public schools	Marriage prohibited between white and Negro, Chinese or Japanese	No law prohibiting or requiring discrimination or segregation by private enterprises

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STATE	EMPLOYMENT	EDUCATION	INTERRACIAL MARRIAGES	TRANSPORTATION AND RECREATIONAL FACILITIES
Nebr.	Discrimination prohibited in employment in defense work	Religious tests prohibited in public schools. Race discrimination prohibited in state university	Marriage prohibited between white and Negro, Chinese or Japanese	Discrimination, including segregation, prohibited
Nev.	No law barring discrimination in private employment	Race discrimination prohibited in state universities	Marriage prohibited between Caucasian and Ethiopian (black), Malayan (brown) or Mongolian (yellow)	No law prohibiting or requiring discrimination or segregation by private enterprises
N. H.	No law barring discrimination in private employment	No legislation	No law banning interracial marriages	Discriminatory advertising prohibited, but no law prohibiting discrimination by private enterprises
N. J.	Discrimination prohibited. Enforcement machinery	Discrimination and segregation prohibited in all schools. Enforcement machinery	No law banning interracial marriages	Discrimination, including segregation, prohibited. Discriminatory advertising prohibited
N. M.	Discrimination prohibited. Enforcement machinery	Religious tests prohibited. Segregation of Spanish-Americans prohibited. Segregation of Negroes permitted	No law banning interracial marriages	No law prohibiting or requiring discrimination or segregation by private enterprises
N. Y.	Discrimination prohibited. Enforcement machinery	Discrimination and segregation prohibited in all schools. Enforcement machinery	No law banning interracial marriages	Discrimination, including segregation, prohibited. Discriminatory advertising prohibited
N. C.	No law barring discrimination in private employment	Segregation mandatory in public schools and at college level	Marriage prohibited between white and Negro, white and Indian, Negro and Indian	Mandatory segregation in transportation facilities
N. D.	No law barring discrimination in private employment	No legislation	Marriage prohibited between white and Negro	No law prohibiting or requiring discrimination or segregation by private enterprises
Ohio	Discrimination prohibited in employment in public works	Law prohibiting segregation in public schools repealed 1887	No law banning interracial marriages	Discrimination, including segregation, prohibited
Okla.	No law barring discrimination in private employment	Segregation mandatory in public and private schools, including college level	Marriage prohibited between persons of African descent and persons of other descent	Mandatory segregation in transportation and some recreational facilities
Ore.	Discrimination prohibited. Enforcement machinery	No legislation	Marriage prohibited between white and Negro, Mongolian or Indian	No law prohibiting or requiring discrimination or segregation by private enterprises
Pa.	Discrimination prohibited in employment in public works	Discrimination, segregation prohibited in schools and in educational institutions supervised by state	No law banning interracial marriages	Discrimination, including segregation, prohibited. Discriminatory advertising prohibited
R. I.	Discrimination prohibited. Enforcement machinery	Discrimination and segregation prohibited in public schools	No law banning interracial marriages	Discrimination, including segregation, prohibited
S. C.	No law barring discrimination in private employment	Segregation mandatory in public and private schools, including college level	Marriage prohibited between white and Negro or Indian	Mandatory segregation in transportation and some recreational facilities
S. D.	No law barring discrimination in private employment	No legislation	Marriage prohibited between Caucasian and African, Korean, Malayan or Mongolian	No law prohibiting or requiring discrimination or segregation by private enterprises
Tenn.	No law barring discrimination in private employment	Segregation mandatory in public and private schools, including college level	Marriage prohibited between white and Negro	Mandatory segregation in railroad, streetcar and some recreational facilities
Tex.	No law barring discrimination in private employment	Segregation mandatory in public schools and at college level	Marriage prohibited between Caucasian and African	Mandatory segregation in transportation facilities
Utah	No law barring discrimination in private employment	Religious tests prohibited in public schools	Marriage prohibited between white and Negro, Mongolian or Malayan	No law prohibiting or requiring discrimination or segregation by private enterprises
Vt.	No law barring discrimination in private employment	No legislation	No law banning interracial marriages	No law prohibiting or requiring discrimination or segregation by private enterprises
Va.	No law barring discrimination in private employment	Segregation mandatory in public and private schools, including college level	Marriage prohibited between white and non-white	Mandatory segregation in transportation and some recreational facilities
Wash.	Discrimination prohibited. Enforcement machinery	Discrimination and segregation prohibited in public schools	No law banning interracial marriages	Discrimination, including segregation, prohibited
W.Va.	No law barring discrimination in private employment	Segregation mandatory in public schools and at college level	Marriage prohibited between white and Negro	Mandatory segregation in some recreational facilities. No segregation required in transportation facilities
Wis.	No law barring discrimination in private employment	Segregation prohibited in public schools	No law banning interracial marriages	Discrimination, including segregation, prohibited
Wyo.	No law barring discrimination in private employment	Constitution prohibits racial discrimination and distinction in public schools. Legislation permits segregation	Marriage prohibited between white and Negro, Malayan or Mongolian	No law prohibiting or requiring discrimination or segregation by private enterprises

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mentary schools, permitted in high schools. In the other 17 states, segregation of Negroes is mandatory in all public schools. Four of them—Florida, Kentucky, Oklahoma and Tennessee—have laws requiring segregation even in private schools. In Mississippi, Virginia, South Carolina, Texas and West Virginia, the segregation law uses general terms ("all schools, etc.") and its application to private schools is subject to some interpretation. In the remaining eight states and the District of Columbia, segregation is clearly confined to public schools.

Segregation at college level does not necessarily mean that education in graduate schools is segregated as well. The higher and more specialized the school, the more difficult it becomes to maintain the semblance of equality in segregation. Thus, a Negro girl was recently admitted to medical courses at the University of Arkansas Medical School—along with white students —although the educational system in that state is otherwise based on strict segregation.

Marriages between white persons and those of other races is prohibited in 29 states. In two of these—Maryland and North Carolina—marriages between members of two different non-white races is also forbidden. The other 19 states and the District of Columbia do not prohibit interracial marriages.

The laws of the states banning interracial marriage vary in their definition of what constitutes a non-white. In some states the definition includes a third or even a fourth-generation descendant of a non-white.

Sexual intercourse between persons of different races is also prohibited in some states.

In all cases, marriages entered upon in violation of laws against interracial marriage are void. Under the laws of many states, the persons involved are considered guilty of crimes, punishable in some cases by long prison terms.

Eighteen states have civil-rights laws prohibiting discrimination in transportation and recreational facilities on the grounds of race, creed or color. Segregation is considered a form of discrimination in these states.

There are Jim Crow statutes on the books of 16 states. These laws make racial segregation mandatory in some places of public accommodation. These laws, based on the "separate but equal" doctrine, have sometimes been overturned. A recent decision of the US Supreme Court, for example, declared that Jim Crow legislation in regard to interstate motor-vehicle transport is void because it imposes an "undue burden" on interstate commerce. Hence the Virginia state law requiring segregation in interstate buses was ruled invalid.

The remaining 14 states have neither Jim Crow nor civil-rights legislation. Here, private enterprises are free to discriminate or abstain from discrimination. But enterprises run by the states or municipalities are everywhere subject to the "equal-protection" clause of the Fourteenth Amendment, and failure to provide equal facilities to a person because of his race, creed or color is a violation of that clause.

Two general methods of enforcing racial segregation have been used in housing; by municipal zoning ordinances and by private arrangements of landowners: restrictive covenants. Such covenants are also used to exclude religious minorities.

Municipal ordinances meant to segregate races were declared void by the Supreme Court in 1917 as being in violation of the Fourteenth Amendment. A few states, such as Colorado and Kansas, have laws prohibiting racial segregation by zoning ordinances. These are affirmations of the law as it prevails throughout the Union.

Private restrictive covenants have been declared void by a Minnesota state law. In the remaining 47 states and the District of Columbia, restrictive covenants, under two Supreme Court decisions of 1948, are valid but unenforceable.

Some states prohibit racial and religious discrimination in public housing and veterans' projects (Connecticut, New York, New Jersey, Massachusetts, Pennsylvania and Wisconsin) or in redevelopment housing projects (Illinois, Indiana, Minnesota, Pennsylvania).

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BOOKS IN REVIEW

NOTES FROM A DIPLOMATIC GHETTO

by Joseph Barnes

IT IS surely one of the symptoms of what is wrong with our times that Walter Bedell Smith, who was called "the general manager of the war" by Eisenhower, should have had to learn two new professions since 1945: first that of diplomat and now that of reporter-historian. It is no criticism of a brilliant and successful general to say that his account of his ambassadorship to the Soviet Union is a disappointing book on a depressing subject. It is the record of a failure in diplomacy (which almost certainly no living American could have avoided, so stacked were the cards against diplomacy between 1946 and 1949) and it lacks in almost every respect the scale and the depth of the tragedy which General Smith watched at close range and victorious end of war.

MY THREE YEARS IN MOSCOW, by Lieutenant General Walter Bedell Smith (J. B. Lippincott Company; $3.75).

Communist world which has [redacted] against the [redacted].

In addition to extremely discreet accounts of these major developments, General Smith's book includes a surface treatment of numerous Russian problems: religion, industry, agriculture, the mechanics of a police state, culture under Bolshevism, and the personalities of the top Soviet leaders. His information on any of these is no better and no worse than that of the newspapermen who have been reporting them for years. Perhaps a military ambassador impressed the Kremlin, as Secretary Byrnes expected, but there is no evidence that he did. General Smith had no better luck than anyone else with the deliberate Russian policy of seeking maximum secrecy and maximum confusion as measures of national defense.

The author had four lengthy talks with Stalin, besides one or two brief social meetings. He believes that Stalin is neither a dictator nor a prisoner of the Politburo but rather a chairman of the board with the decisive vote. He sat next to Zhdanov at a Kremlin dinner, but learned only that he ate and drank nothing because he had been placed on a "regime." For the most part he simply suffered, and survived, the ghetto life to which diplomats are condemned in Moscow. To write a book about this is to run the risk of looking like the cub reporter who comes back from an assignment with a long memo to his editor explaining why he didn't get the story.

General Smith's interpretations of what he did learn are in the blacks and whites to which we have had to grow accustomed in connection with Russia. (The only grays in this book are in the descriptions of the streets of Moscow, the Russian landscape, the mildewed shabbiness of the country and the people.) He is convinced that the Bolsheviks will cling undeviatingly to their most extreme doctrinal orthodoxy. He explains clearly why this means an unremitting and unending effort to spread revolution and to conquer the world. Soviet duplicity is so deep that we must distrust any sign of flattery; it is certain to be simply a tactical move, another "peace offensive." Our only course is to take the long view, rearm and reconstruct our potential allies, and stick out a contest of indefinite duration.

This is a black view of the future, but it is likely to remain a widely held one as long as we ourselves are wrestling with our own problems of sudden growth, doctrinal orthodoxy, and foreigners stubbornly uneager to accept our way of life. Some of these strictly American problems can be studied in this book. General Smith makes the astonishing statement, for example, that we are feeding half the world; the inaccuracy is a symptom of our own troubles just as a *Pravda* boast about the "people's democracies" reveals deep Soviet insecurities. He writes that "we naïvely assumed that the word 'democracy' meant the same thing to the Politburo as it did to us." The word "naïvely" seems an understatement, considering that 1936 was the year in which the curious (and illegitimate) Soviet definition of democracy was literally trumpeted to the world. A West European reader of *My Three Years* might well react to General Smith's bland statements about the "definite, firm, bipartisan character of the foreign policy of the United States" with the same deep sigh occasioned by his equally foreshortened report that "the Soviet regime is nailed in place by bayonets and held together by an omnipresent demonstration of force as well as by

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the psychological trickery of propaganda."

In the original public statement of our policy of containment, by "X" in *Foreign Affairs*, July, 1947, we were called on "to promote tendencies which must eventually find their outlet in either the break-up or the gradual mellowing of Soviet power." The hope of mellowing is given no encouragement by General Smith. Ten of his fifteen chapters, in fact, are headed by quotations from the dispatches of a Tennessee politician named Neill Smith Brown who was serving as American Minister to Russia in 1852. The quotations are all designed to point the now popular moral that Russians never change and that tyranny and despotism are built-in features of the Eurasian steppe.

Yet they do change, and they might even mellow if we gave them a chance. Believe it or not, freedom seems to have been kicked around even more roughly in Russia in 1852 than in 1949. In 1852 all foreign travel was prohibited, as it is now. Newspapers were forbidden even to commend new inventions until they had been officially declared to be useful. (Perhaps this helps to explain why the Russians are now making up for lost time in claiming all inventions.) Censors forbade historians to write that Roman emperors had been killed—instead, "they perished." Shostakovich has his troubles, but in 1852 a commission was appointed to examine all music for the discovery of possible conspirative codes and ciphers.

But beneath the surface of Russian life, great changes were already under way in the minds of men. In 1852 Tolstoy wrote his *Childhood*; Dostoevsky was in the Omsk convict prison; Gogol died; Turgenev was arrested and began his most mature period as a novelist. Russia was about to send armies into the Danubian provinces with a public declaration that this was not an act of war, and two years later it was to become war, against France and England. Within only three years, Nicholas was to die, the breath of freedom was in the air, and in 1861 the serfs were freed.

General Smith's book is not so much about the cold war as it is part of it. The Russians asked for the cold war and we can claim what satisfaction there is in giving it to them. But perhaps we should not confuse ourselves with the slogans, the absolutes, the blacks and whites, which are its arsenal. "There is no real danger of this people becoming obsessed by dogma," wrote Sir John Maynard, probably the greatest of all Western scholars to have studied the Russians and their Bolshevik leaders, "despite the rigidity of their quasi-philosophers. When they find that a rule does not fit life, they give the preference to life: in other words, fall back upon more primitive and enduring convictions." This is a point of view which might repay study by diplomats if we still regard a gradual mellowing of the Soviet system as an alternative to war against it.

Joseph Barnes was Moscow correspondent and Foreign Editor of the New York Herald Tribune, and Editor of the New York Star.

BILL OF PARTICULARS

THE COUNTRY OF THE BLIND, by George S. Counts and Nucia Lodge (Houghton Mifflin; $4).

THIS BOOK differs from the usual anti-Soviet polemic in being primarily an annotated gathering of official Russian utterances rather than a motley of second-hand interpretations based on third-hand hearsay, or the uncorroborated reminiscences of some dubious, if not paranoid, escapee. The first 76 pages consist of a brief analysis of the origins and development of Communism; thereafter the Russians are permitted to speak for themselves in party decrees, resolutions, confessions, recantations and the like, all of which are much more damning than anything the authors have to say.

There are included, among others, the 1946 Resolution of the Central Committee directed against the ideological sins of contemporary Soviet literature, the follow-up speech of Zhdanov, exposing the evils of art for art's sake (the poetry of Akhmatova is an "ideologyless reactionary swamp"), the 1947 party resolution condemning the drama and cinema (Eisenstein, for example, is charged with the serious offense of having portrayed Ivan the Terrible, "a man of strong will and character, as weak and spineless, something like Hamlet"), the notorious resolution on "bourgeois" music, with responding recantations addressed to that noted musical figure Joseph Vissarianovich (= Comrade Stalin), the 1948 proceedings of the Agricultural Academy *re* Lysenko's genetics, and other preposterous items.

Having gathered their material with care and presented it in unsparing detail, the authors fail adequately to relate this abhorrent phase of Soviet life to the scene as a whole, to explain, as impartial social scientists, with special reference to surrounding political, economic and psychological circumstances, either the policies adopted or the reason for their willing acceptance by the masses and even, to some extent, by the "intelligentsia." A balanced treatment of this kind, neither apologetic nor eristic, would be of great value for its contribution to the understanding necessary to formulate constructive proposals for peace. But this is something quite different both in scope and apparent purpose from the tendentious case book on Soviet social pathology here compiled by Professor Counts and Mrs. Lodge.

JAMES R. NEWMAN

LUCKY EMINENCE

BIOGRAPHICAL ESSAYS and LITERARY ESSAYS, by Lytton Strachey (Harcourt, Brace; $2.75 each).

THE DEATH of Lytton Strachey in 1932 ended what was widely and popularly supposed to have been a distinguished literary career. It was certainly a fortunate one. He enjoyed a high reputation in a talented and fashionable circle of friends—Virginia Woolf, E. M. Forster, John Maynard Keynes, Desmond McCarthy, Clive Bell, *et al.*—lumped together roughly (or perhaps too neatly) as the Blooms-

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bury group. And this "critical" esteem was agreeably reflected in the habits of the public that exchanges money for books. His success was (and is) based largely on his biographies, *Elizabeth and Essex* and *Queen Victoria*, and on his studies of four "Eminents" from the latter's reign. But his shorter pieces were collected in three books which contributed to his fame: *Books and Characters, French and English*; *Portraits in Miniature and Other Essays* and *Characters and Commentaries*; these have been combined in the present two volumes.

Strachey's reputation largely depended (and I suppose still does) on a number of lucky misapprehensions. One of them is that he was a rather daring critic of manners, the great monument of his iconoclasm being, of course, the Victorian Age. Strachey is never really critical (although he is frequently ironic) and by the time he published *Eminent Victorians* (1918) and *Queen Victoria* (1921), the Edwardian interim and a world war had swept the earlier age into limbo. Strachey merely gave popular expression to the ambivalent reaction—hatred and nostalgia—of any generation to its parents.

Another myth is Strachey's erudition. He had neither the mind nor the purpose to cultivate scholarship. His taste was really excellent and his most conspicuous intellectual quality was a kind of gossipy curiosity; he had accumulated a store of miscellaneous information by reading widely in personal literature—letters, diaries, memoirs—French and English, particularly of the seventeenth and eighteenth centuries, "those enchanted islands of delight and of repose." Gazing down from the shores of those islands (as in these essays), he would "perceive for an amazed moment or two the universe of serried and violent sensations that lie concealed so perfectly in the transparency of oblivion." Such was his purpose, entertaining and, in its way, instructive.

The pieces in these new volumes have been grouped, arbitrarily it seems to me, under the categories Biographical and Literary. The literary essays are biographical because, as has been mentioned, Strachey was particularly inclined to personal writings, to the character and fortunes of literary people, to the flitting, almost invisible, anonymities made "immortal" by their chance mention in a diary or a letter. The biographical pieces are literary for that reason, too—because he wrote of literary people—but for the more telling reason that his intentions as a biographer were literary intentions. Strachey confessed that as an "amateur of human nature," he "most delights in" eccentric minutiae of character and the "queer details of a physiognomy." His biographical reconstructions were "characters," reduced in scale, created to amuse, and this fictionalizing (for it must be called that) he ingenuously defended as selectivity, on the grounds that history is an "art."

The style, too, of all the essays, is literary—abysmally so—a style that has been praised as "crystalline" and is reminiscent of innumerable models. It is gushing, epigrammatic, patched with purple, antithetical, and conspicuous because the words are forced to strain for effect by connotation or by their arrangement, with but the loosest support from any specific meaning. In a celebrated passage he speaks of Victoria's reign as "an age in which everything was discovered and nothing was known; an age in which all the outlines were tremendous and all the details sordid."

Strachey's enthusiasm for such writing as he liked was lively and genuine. His appreciation belongs to the "exquisite moment" school: he knew "few happier moments than those in which he has rolled the periods of the *Hydriotaphia* out to the darkness and the nightingales through the studious cloisters of Trinity." "Moment," however, may be too modest; he also recalls (and promises) "whole hours of delicious gustation, whole days of absorbed and exquisite worship." This emotionalism is touching, and harmless, but it doesn't go far. How easily it assumes, for instance, that it is of "those half-conversational digressions and excursions" that "the pleasantest kind of criticism is composed"! And it is an irresponsible estimate, to say the least, that claims Boswell's achievement as "one of the most extraordinary successes in the history of civilization." But the highest tribute (and presumably the most sensitive response) is a reverence and humility which forbids criticism at all. Strachey forbears "to discuss the colossal mind" of Swift; he "can only prostrate [himself] in dumb worship, like Egyptian priests before the enormous effigies of their gods."

Curiously enough, this piety contains the germ of agnosticism and collapses under the test of Matthew Arnold. However one may regard Arnold, it is impossible not to be annoyed at the calm superiority that can dismiss him as "a literary man; he wrote poetry, and he wrote essays discussing other poets and dabbling in general reflections. And so his fame has gone out to the ends of the earth." Arnold, for Strachey, is of course another Victorian grotesque. He laughs at his earnestness and finds "something pathetic about [his] eager persistence." But the moral implications of Arnold's criticism are what shake his faith. After the "moment" has passed and the periods of the *Hydriotaphia* have died out in the darkness —what? He criticizes Arnold for seeking a connection between literature and practical life, but in his own uneasiness about the seriousness of the first he sacrifices it to a glorification of the second. He dismisses the "literary man" by invoking the man of action —Dalhousie in India, for example— compared with whose work, "how feeble, how insignificant was Matthew Arnold's achievement!"

This recurring mistrust of his sentimental pleasures in literature shelters, again and again, in an equally sentimental stoicism. Madame du Deffand is "magnificent" for her "unflinching perception of the futilities of living." As for Lady Mary Wortley Montagu: "There is something great . . . about the honesty with which she looked into the worthlessness of things."

JOHN FARRELLY

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BUT IS IT HISTORY?

THE ECONOMIC MIND IN AMERICAN CIVILIZATION, VOL. III, 1865-1918, by Joseph Dorfman (The Viking Press; $6).

JOSEPH DORFMAN'S book raises more questions than it answers. Even the dust-jacket, in describing it as "a History of the American contribution to economic thinking—a fundamental study in our culture," poses a series of interrogation marks. On the cover also the late Wesley Mitchell is quoted as having said of Professor Dorfman, "His work has been remarkably thorough—superseding that of his most notable predecessor, Vernon L. Parrington, in range, scholarliness and objectivity."

Ordinarily, it is hitting below the belt to quote a blurb against an author, but the remarks of Wesley Mitchell, one of the two or three greatest economists of his generation, ought to be treated with respect even if they appear on a book cover. Now let us look into the questions prompted by this book—and its cover.

First, it is described as a history. It unquestionably has many, if not most, of the appurtenances appropriate to a work in that category. It deals with past events. It describes the doings of a multitude of forgotten worthies and of some not yet forgotten. It has a plethora of dates. It is unquestionably thorough. Surely no American who had his say in print on any aspect of economics, from completely obscure writers like George Opdyke or Silas Stillwell to great names like Henry George, John Bates Clark or Thorstein Veblen, is left unnoticed. Their ideas are neatly summarized, a significant sentence or two is quoted—a few paragraphs in the case of the important ones; they are put in a chapter with a number of like-minded contemporaries, and Dorfman moves on to the next. Painstaking, accurate, conscientious, complete, a useful catalogue, an exhaustive compilation; but, I submit, not history.

To deserve that title, a work should be more than an accumulation, no matter how diligent, of names and events. To point out, for instance, that in 1895, one Arthur Kitson wrote in favor of coining silver, while George Roberts, later vice-president of the National City Bank, in the same year wrote articles on the other side of the controversy, is not to write history. If any material cries out for interpretation and explanation, it is that congeries of complex ideas expressed in opaque technical language which Dorfman describes and lists, but never illuminates. Except in the most obvious and superficial way, the book does not tell us how, or if, the theories of Kitson, Roberts and the others grew out of the political and economic atmosphere of their time, nor how they influenced political development, economic thinking or business practice. To hark back to the blurb, we are not informed what part these economic ideas played in the development of our culture. Explanation requires a hypothesis, if not a thesis, and there is no such thing in *The Economic Mind.*

Dorfman's book lacks organization; it does not lack objectivity. In fact, it is an excellent example of objectivity carried beyond the point of diminishing returns.

There is no question about the range or authority of *The Economic Mind*; the scholar who will devote himself to writing a true history of American economic ideas will find his task immeasurably lightened by the extensive and intensive spadework accomplished by Professor Dorfman. But that history has still to be written.

THEODORE NORMAN

Theodore Norman is Assistant Executive Director of the New York Association for New Americans, Inc., and author of Economics with Application to Agriculture.

BRIEF COMMENT

Eighteenth-Century English Literature, by Roger P. McCutcheon (The Home University Library, Oxford University Press; $2).

In a series like this, designed more or less as a told-to-the-children series, it is a pleasure to find a little book that shows some awareness of the motives behind the creation of literature. Although the final judgments are conventional enough to satisfy the most pedantic, Roger P. McCutcheon has, unusually, made an effort to tie his figures in with the background, without attempting to present that detail with the thoroughness of Basil Willey in his books on the seventeenth and eighteenth centuries. For the purposes of this study the eighteenth century ends shortly before the French Revolution, so that Coleridge, Wordsworth, Blake and others are omitted. At the same time it seems a pity that McCutcheon did not devote a chapter to that turbulent bubbling well which threw up strange and impressive works like Christopher Smart's *Song to David* and his *Rejoice in the Lamb*, and curiosities of the accumulation of knowledge such as *The Botanic Garden*, by Erasmus Darwin, with its notes upon the Upas Tree and the Tartary Lamb (a species of wool-covered vegetation resembling a sheep in the same way that the mandrake was supposed to resemble a man). However, within its limitations this book can be recommended as an outstanding brief introduction to its subject.

RUTHVEN TODD

Cancer, by Beka Doherty (Random House; $3).

Miss Doherty has written a competent journalistic book telling all that anybody wants to know about cancer and much more than most people need to know. For the healthy person, she discusses symptoms and cancer-detection clinics. For the person with cancer, she reports what is now known about the causes of many types of the disease, and the alleviation of symptoms (and in some cases the cures) by various techniques. She even includes a section addressed to the general practitioner of medicine, stressing the psychological as well as the physiological problems by which he is confronted. She also discusses cancer as a public-health problem, explaining the high cost of detection clinics and hospital treatment.

Miss Doherty's tone is thoroughly conservative; she is careful to wave no magic wands, though she does emphasize, as she should, that certain types of cancer are now readily curable if detected in their early stages. A useful appendix gives a list of American cancer hospitals, diagnostic clinics and detection centers, by states.

While this book is addressed to the lay public, it will be of interest primarily to doctors and public-health officials. It probably should not be given to people with a cancerphobia, nor will it be of any particular value to one who is already a victim.

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THEATRE: From a Member

HAVING DIRECTED "The Member of the Wedding," I am in no position to review it. But my readers might be interested to know some of the things my experience in doing it taught me.

It is impossible to direct a play that has no action. When a play is well acted, it means that a line of action has been found in it. It means that action was in it, however obscure it may have seemed at first sight. Without action, it would not *play*.

The reason why Chekhov's "Seagull" did not seem to have action when it was first produced was that the original company had not found it, just as opera singers first thought Wagner unsingable, and a still later generation was to begin by declaring Debussy's "Mélisande" unoperatic. The directors and actors of the Moscow Art Theatre discovered the play in "The Seagull."

I am convinced that Ethel Waters, Julie Harris, Brandon de Wilde and the other actors of "The Member of the Wedding," following the line of action I sensed in it as a director, have made a play of "The Member of the Wedding" because it was a play to begin with—albeit of a different kind than any other we had previously done. Ibsen once said of his "Brand" and "Peer Gynt": "If these weren't poetry before, they have become poetry now." The same may be said of "The Member of the Wedding" in regard to its status as a play. The proof is in the doing of it.

The action springs from the twelve-year-old Frankie Addams' desire to get out of herself, *to become connected* or identified with a world larger than that which confines her to the "ugly old kitchen" which is her world, and to an environment that Carson McCullers (in the book of which her play is a general transcription) describes as "a jungle under glass." Frankie's conflict is with the apparent inertia of the community around her, against which she pushes her adolescent being like a sharp plant struggling upward through the resistant soil.

All the other characters of the play are variants of this struggle for connection—some mature, some stumbling and unconscious, some vaguely groping, some hysterically violent. Every scene is subtly but directly related to the main action. Moreover, the main action, being conveyed through the spirit of a child, is so close to the audience's secret hunger—for we are a lonely people—that the spectator feels the play's meaning keenly, though he may not be able to explain his response except by saying that the acting and direction are wonderful.

Yet what is the direction of the play but the realization in movement of body and soul of the action I have just indicated? Julie Harris is an actress of inspired invention as Ethel Waters is a personality of profound natural force, so that when I, as director, pointed out that because Frankie was growing with the impulse *to get out of herself* against unyielding circumstances she would inevitably assume queer shapes—twist and turn, run and twirl—Miss Harris had a clue to her characterization and Ethel Waters was able to understand her function in the play and the basis of her attitude toward Frankie. If you observe some of the secondary aspects of Frankie's behavior—her tomboyishness, her "crazy" intensity, her awkwardness, her childish hostilities, her self-absorption, her imaginativeness and the torture that underlies all her efforts—you will see how they emerge from the play's core. The play is the lyric expression of its strong central action; the direction consists of finding a physical or visual equivalent for every emotion that is the concomitant of the action—like the excited hopping of the seven-year-old John Henry when Frankie dreams of her flight around the earth so as to become "a member of the whole world."

If you think that I am simply rationalizing the directorial process, my answer is that just this process, embodied through sensitive actors and all the other means of the stage, is precisely the thing that makes theatre out of the written word. And if such people as theatrical backers and the run-of-the-mill producer who depends on their word for his wisdom, are not able to realize the potentialities of a play like "The Member of the Wedding," it is because they are not theatre people at all—merely gamblers whose game is the stage. Fortunately there are producers like Robert Whitehead and his associates who are eager to face real theatrical problems because they think of them not primarily in the light of "investments" but as objects of their love. But since art is willy-nilly the theatre's business, it is only through such love

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that good theatre, and ultimately good business, can be made.

I say this without smugness since I confess that it was the producer, not I, who believed it possible for "The Member of the Wedding" to achieve the box-office success it has. He had faith in the public. I had been on the point of succumbing to a kind of high-brow jaundice which bitterly supposes that truly unusual forms of the theatre are only jeopardized by production on Broadway. A renewal of faith in the sensitivity and awareness of our New York theatregoing public was perhaps the greatest lesson I learned from "The Member of the Wedding."

HAROLD CLURMAN

ON THE AIR: Reason for Hope

RADIO might have achieved maturity and responsibility if it had not been written off in utter snobbishness by the section of our population most articulate in its denunciation. Now the same group is compounding the felony by restricting its television criticism to derisive cracks about a medium consecrated to Milton Berle and wrestling. Such catch-as-catch-can criticism ignores the facts. There *are* television programs that try to realize their potentials.

Monday to Friday at seven, there is a high degree of creative whimsy on NBC's "Kukla, Fran and Ollie." Sundays at seven a beautiful integration of sets, lighting, camera work and choreography is presented on ABC's Paul Whiteman Review. At ten, Sundays, "Garroway at Large" roams over NBC's share of the coaxial cable. All three programs are conceived and executed as television. None of them can be damned with Flora Rheta Schreiber's labels, quoted here a week ago, as mere "illustrated radio, miniature movies or photographed stage plays."

The trio mentioned is devoted frankly to popular entertainment, but television also functions effectively at a higher level. Excellent examples are CBS's production of "Carmen" and NBC's opera series, which opened with Kurt Weill's "Down in the Valley." Both productions were planned for the small audience of three to five people at their home receiver.

Boris Goldovsky, who staged "Carmen," and Charles Polacheck, who did the same job for NBC's set of Americana, worked with sensitive concern for the intimacy of the small screen. Yet neither cut corners. The grand opera and the folk opera both receive superb mounting and casting, but the broad gesture of the live stage was trimmed to television's narrower proscenium.

CBS, though it gave its "Carmen" billing as the première of "Opera Television Theatre," has not set a definite schedule for further productions. "Carmen" cost $26,000, a sum that could buy a lot of vaudeville for which sponsors are willing to pay. NBC will bring us "Madame Butterfly," "Tales of Hoffmann" and "Die Fledermaus" (nicknamed "The Bat") in one-hour versions, once a month, in February, March and April. The assignment goes to the same team that was in charge of "Down in the Valley," including Samuel Chotzinoff, Dr. Peter Harmen Adler, and Polacheck.

Radio is still in business, despite **television's usurpations.** Fridays at eight, NBC now carries a new program, called "Halls of Ivy," starring Ronald Colman and his wife, Benita Hume. Knowing that one of the two writers on this show, Don Quinn (the other is Walter Brown Newman) makes up those funny sayings on the "Fibber McGee and Molly" program each Tuesday night, I was unprepared for the mature humor offered by the Colmans.

Colman plays a college president; Miss Hume appears as his wife, a former English music-hall hoofer. So far, I have also met an important member of the college's board of governors, a soup tycoon, and the brash editor of a

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student newspaper unafraid to criticize stuffiness among the campus elders. In the first two chapters, Quinn and Newman have already come close to infecting network "situation comedy" with an idea or two. The Colmans are in cahoots with the writers, drawing upon their acting skill to skate on the thin ice of satire. Wit at this high level has been extremely rare on the networks in recent years.

On the première of "Ivy," President Colman had just had his tenure extended for five years, over the protests of some of the board conservatives. I hope he stays the course.

Radio also has a new commentator who is heard on the Mutual network five nights a week at ten. He is Frank Edwards, announced as a man with eight million sponsors, that being the declared membership of the AFL. Edwards combines news with mildly liberal commentary. The three or four times I have heard him, therefore, I felt he was pulling punches, going out of his way to prove that a commentator sponsored by labor is not above interest in routine material that might concern a more ordinary mortal like Ed Murrow or Elmer Davis. However, I see no reason for flaying Edwards (as I understand some doctrinaire radicals have already done) as a spokesman for the reactionary forces inside the AFL. Certainly his sponsors have as much right to the air as any manufacturer. I hope he lasts as long as Arthur Gaeth did for the UEW-CIO. The fact that the CIO's Right-Left split has now knocked Gaeth off his Monday-night perch on the ABC network is a pity.

Also in the news-commentary department, it is worth noting that the CIO is officially back on the air, splitting with the NAM time contributed by the ABC network. John W. Studebaker, spokesman for the latter, opens the double feature, Tuesdays at 10:30, with a 15-minute program called "It's Your Business." Then Robert R. Nathan evens the scales with a quarter-hour given to labor. Both are worth hearing—for balance. SAUL CARSON

MOVIES: The War Goes On

IF YOU LIKED "Command Decision," you will like "12 O'Clock High." Except that Gregory Peck plays the lead instead of Clark Gable, and allowing for enough script changes to keep the copyright lawyers quiet, Darryl Zanuck's salute to the B-17 is a carbon copy of the earlier picture. It seems more irritating this time, but that may be only because the comparative honesty of the recent "Battleground" makes more evident the cheapness of this melo-sentimental approach to war.

Brigadier General Peck is ordered to take over a bomber group whose poor performance is thought to stem from the previous commander's "over-identification" with his men. Peck, himself no whit less compassionate, assumes an air of coldest indifference and restores morale in short order by greeting everyone from a sentry to the Air Executive Officer with a swift kick in the teeth. He drives his boys beyond the limits of endurance because this will make men of them and because (ex-members of the infantry will be delighted to note) the Air Force has approximately 48 hours to knock Germany out of the war. As a result, these fine boys come to love him like a father (those that live to love) and they win the war for him in a superb climactic battle deep over enemy lines.

The aerial scenes really are superb for the reason that they are official Air Force pictures into which has been dubbed the Olympian figure of Peck coolly leading his group through flack and Focke-Wulfs to plaster the target. As this old combat footage unrolls, plane after plane, American and German, bursts into flame and lurches horribly into the mist below the battle. Scores of men die in approximately 12 minutes of screen time, and if you have any imagination at all it is difficult to admire a Hollywood hero against that background.

There is no denying the hectic excitement of "12 O'Clock High," and it will be seized upon widely as red-blooded entertainment of a high order. But pictures like this are not made just to entertain; they are designed to sell us something. Perhaps that Germany was destroyed by pinpoint bombing, perhaps that war is a noble pursuit, perhaps that America can lick any so-and-so in the house. Let the buyer beware.

It would be difficult not to approve the conversational elegance of the current British thriller, "The Hidden Room." Americans whose sensibilities have been blunted by the coarse idiom of the hoods and shamuses in our local blood-letters will be especially struck by the Chesterfieldian exchanges between Dr. Clive Riordan, the Harley

Edgar Snow in THE *Nation*
"WHAT WE COULD DO ABOUT ASIA"
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Street miscreant (Robert Newton), and Superintendent Finsbury of the CID (Naunton Wayne). It is less easy to applaud the logic of the piece.

As usual, the scruples against plot exposure prevent a very clear discussion of the matter. The difficulty, in rough terms, is that Dr. Riordan, having worked out an ingenious kind of insurance to protect himself from the gallows, deliberately flings his precautions to the winds at a moment when he knows that Scotland Yard is baying decorously at his heels. The blunder cannot be justified by saying that he loses his head; it is the essence of the doctor's personality that he doesn't ruffle, and he commits his ruinous error in perfect composure. The proposition that every criminal makes a mistake is one of the most jealously guarded falsehoods of the detective-story fraternity, but it isn't usually forced on us so awkwardly.

The American importers of "The Titan: Story of Michelangelo," encouraged perhaps by the fact that Robert Flaherty is acting as a kind of sponsor, have arranged for its commercial distribution in this country. It is not likely to succeed as competitive entertainment, but it will nevertheless delight a high proportion of those who do seek it out.

The picture is a retelling, in briefest outline, of the artist's life. It employs no actors for this purpose, but embellishes the thread of commentary with scenes of the cities where Michelangelo lived and with a full survey of his work. There is no drama to such a scheme, but the film feels dramatic because the camera is employed with a nervous excitement that seems to seek out the masterpieces and present them as fresh discoveries.

Michelangelo's work cannot be bundled into a couple of vans and sent on tour; the bulk of it is built into the walls of Italy and you must go there to see it. "The Titan," though in black and white, and sometimes not very good black and white, still gives you a feeling of having experienced the grandeur of his monuments that is lost in the pages of a book. The commentary is dignified and informative and Fredric March reads it with attractive enthusiasm.

ROBERT HATCH

BANDWAGON

"Mao, He's Making Eyes at Me"

Siam is expected to yield to pressure by Communist China whenever Chinese apply it. Lighthearted Siamese have a habit of giggling and giving in. – *From* U. S. News and World Report.

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Ironclad

Miss Lamour, who is seeking her salary plus 7 percent, maintains that her appearance did not change during the first four months of her pregnancy, as per agreement in the contract. – *From the Houston* Chronicle.

So *That's* All Right

. . . A survey conducted by the Television Broadcasters Assn. . . . proves conclusively that eye strain may result from television viewing but is not caused by it. – *From* Variety.

Olé!

Laborer Jose Carrasco dived 135 feet from a bridge into a river yesterday. Arrested for attempted suicide, he was released promptly when he explained that he had done it in honor of Argentina's first lady, Mrs. Eva Duarte Peron. – *UP dispatch from Buenos Aires.*

The Inscrutable West

On the subject of Palestine, Colonel R. Cadogan-Rawlinson said that on the surface it appeared that we had let the Arabs down in favor of Israel, but the Arabs understand diplomacy as well as the British, and out of the policy of admitting mistakes when they were made, Britain had evolved an efficient method of dealing with Orientals. – *From the Whitehaven* News, *Cumberland, England.*

Our readers are invited to contribute; $2 will be paid for each item used. Address Bandwagon, c/o New Republic. Please enclose the original clippings. – The Editors

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